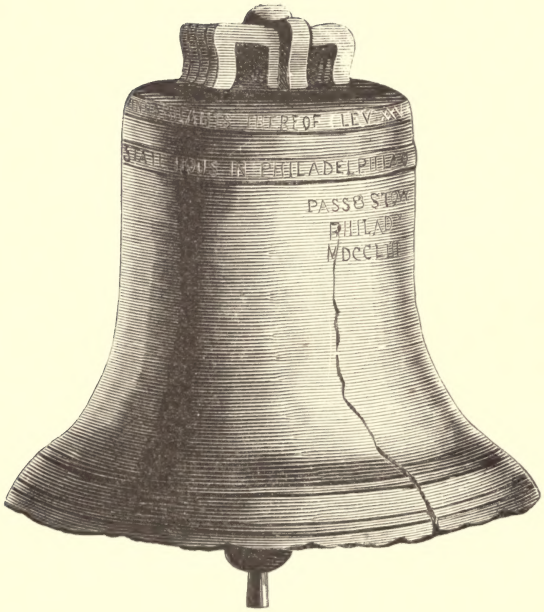
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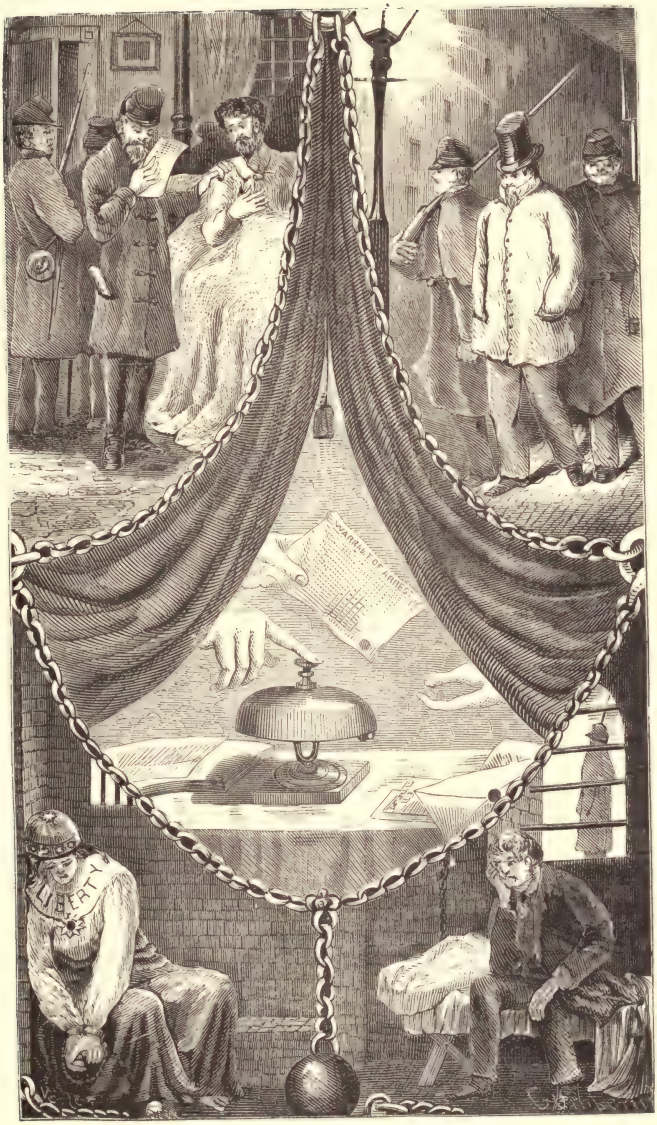
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LIBERTY BELL, 1776.

"Proclaim Liberty throughout all the Land, unto all the Inhabitants thereof."



"THE LITTLE BELL," 1861-65.

"My Lord, I can touch a bell on my right hand, and order the arrest of a citizen of Ohio; I can touch a bell again, and order the imprisonment of a citizen of New York; and no power on earth, except that of the President, can release them. Can the Queen of England do so much?"

Secretary Seward to Lord Lyons, *see page 12.*

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AMERICAN BASTILE.

A HISTORY

OF THE ILLEGAL ARRESTS AND IMPRISONMENT OF AMERICAN CITIZENS DURING THE LATE CIVIL WAR.

BY

JOHN A. MARSHALL.

"Bitter things I write,
Because my soul is bitter for your sake,
O Freedom!" GIUSTI.

Γενεσθό Φῶς.

Twenty-First Edition.

PHILADELPHIA:
THOMAS W. HARTLEY.
1876.

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JOHN A. MARSHALL,
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the Eastern District of Pennsylvania.

THIS VOLUME

IS

Respectfully Dedicated

TO

THE AMERICAN PEOPLE

BY

THE AUTHOR.

227752

Illustrations.

1st. LIBERTY BELL, ... See FRONTISPIECE

This bell, the first in Philadelphia, was imported from England in 1752, for the State House, but, having met with an accident in the trial-ringing after it was landed, it lost the tones received in the fatherland, and had to be conformed to ours by a recasting.

The ringing of this bell first announced to the citizens, who were anxiously awaiting the result of the deliberations of Congress, (which were at that time held with closed doors,) that the Declaration of Independence had been decided upon; and then it was that the bell "Proclaimed Liberty throughout the land, unto all the inhabitants thereof."

It was subsequently cracked, and is now to be seen in Independence Hall, proper.

2d. "THE LITTLE BELL." FRONTISPIECE

To this picture we call a moment's attention.

The first scene, or centre, represents the private office of Secretary Seward in the State Department. The hand of an unseen person, with the forefinger on the bell, is that of the Hon. Secretary, whose left hand contains an order for the arrest of a citizen, which is about being received for execution by the hand of an unknown Marshal.

In the second, or upper left corner, is seen the arrest of the victim in his bed, by the Marshal, on the *authority* of this winged messenger. A guard is stationed in the chamber door to prevent the egress or in gress of the family or friends.

In the third, or the upper right corner, the same citizen is seen in the custody of two soldiers, who are taking him toward his place of im prisonment. This practice, Mr. Seward, the American Inquisitor General, adopted from the Spanish Inquisition, which made all arrests by night, that no traces of the missing person might exist.

The fourth, or lower right corner, presents the interior of a cell, with the emaciated form of the victim, sitting on his pallet, guarded by a sentinel.

In the last, or lower left corner, is the interior view of another cell, in which "Liberty in shackles weeps."

3d. SEAL OF MAGNA CHARTA, ... Page 46

4th. INDEPENDENCE HALL, ... 49

5th. FORT WARREN, ... Description of, see page 687, 71

6th. OLD CAPITOL PRISON, ... 321

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8th. FAC-SIMILE OF THE KEY OF THE BASTILE, PARIS, . . 716
Description of, see page 17.

TO THE READER.

THE importance of the subject required that some one should write a history of "THE PRISONERS OF STATE" during the Administration of the late President Lincoln.

This was due to the Muse of History — to "The Prisoners of State" — to Posterity — and to the Country.

By a resolution of a Convention of "The Prisoners of State," held in the city of New York, the Author was selected the Historian of the "Association of State Prisoners."

This work, therefore, comes before the public in an authentic form.

It has been impartially prepared, and

> "Will a round, unvarnished tale deliver."
> "Nothing extenuate,
> Nor set down aught in malice."

Everything appertaining to the history of our country — her institutions — the sovereignty of her people — her liberties — her progress, and her destiny — *must* necessarily interest the American citizen.

The liberty of the citizen is the great prop of Free Government.

The reader will at once see the importance of putting on record the facts detailed in this volume, while they are fresh in the minds of the people.

As a matter of history, how interesting, not only to the reader of to-day, but, also, to the youth of the country, for generations to come!

This work contains an authentic account of the Arrest, Imprisonment, and Terrible Sufferings of American Citizens incarcerated as Prisoners of State; together with the Orders for Arrest, Suspending the Writ of Habeas Corpus, Prohibiting the Employment of Counsel, etc., etc.

The horrors of prison-life in Forts Lafayette, Warren, McHenry, Delaware, Mifflin, Old Capitol Prison, Penitentiaries, and Military Camps, and their condition, are truthfully delineated.

The book contains Preface, Introduction, translated copy of the Magna Charta, with its Seal; the Constitution of the United States, with the recent Amendments; History and Incidents of the Old Capitol Prison; together with *narratives* of about *seventy citizens*, from all of the Northern States, except New Hampshire, Rhode Island, and Wisconsin, including in the number Foreign Ministers, United States Senators, Members of Congress, Members of State Legislatures, Judges, Lawyers, Ministers, Doctors, Farmers, Editors, Merchants, Ladies, and indeed all the walks of life are represented.

It is, in addition, embellished with a number of Engravings. The frontispiece is ornamented with "*Liberty Bell*," and "*The Little Bell*," while pictures of the State House, Philadelphia; Fort Warren, Boston Harbor; Fort Lafayette, New York Harbor; Old Capitol Prison, Washington; and the "Key of the Bastile," Paris, illustrate the other portions of the work.

J. A. M.

PHILADELPHIA, *August*, 1869.

THIS BOOK SOLD ONLY BY SUBSCRIPTION.

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PREFACE.

AUTHOR. Walk in!

JUDGE H. Good evening, sir. I am glad to find you, as usual, surrounded by home-comforts — books, manuscripts, and papers appear to be your evening companions.

AUTHOR. I am happy to welcome you, Judge H. Pray, be seated.

JUDGE H. Thank you, sir. What books were you so attentively examining when I entered?

AUTHOR. I was comparing three important documents — the Magna Charta, the Declaration of Independence, and the Constitution of the United States. The Magna Charta secured Personal Liberty, the Declaration proclaimed it, and the Constitution guaranteed it; and yet, notwithstanding the experience and progress of more than six hundred years, they have been totally disregarded of late in our own country, which boasts so much of personal rights and personal liberty.

JUDGE H. That is true, sir. The Constitution is the chart by which every Administration ought to be guided; but I regret to say — both for the reputation and stability of our Government — it has, of late, been a "*dead letter.*"

AUTHOR. Do you think, Judge, the people are aware to what extent their rights have been lately trampled upon, and their liberties disregarded?

JUDGE H. I have the utmost confidence in the judgment

and patriotism of the people. They are not blind, nor are they listless; yet, I think, they sometimes act without considering. They are carried away by their enthusiasm in the support of measures, the consequences of which they do not see until it is too late to redress the wrong committed. This, however, cannot exactly be said to be the fault of the people. They are deluded by leaders, without merit or claim, who have accidentally been wafted into position — mere adventurers, who have nothing to lose, and who are as ignorant of the science of government as they are careless of preserving what little reputation they possess — in a word, by men who have

"Skulls that cannot teach, and will not learn."

The people do not even yet know the crimes that have been committed in the name of Liberty.

AUTHOR. Liberty, in the better days of our Republic, was the birthright of the American citizen. What guarantee has he that he will be protected in this fireside right in the future, if we may judge the future by the past? When the Constitution is despoiled of the altar of Liberty, in what temple can Freedom worship?

JUDGE H. With us Liberty has no protective guarantees. Mr. Seward may again ring his "little bell," and secretly hurry the citizen from the family circle to the loathsome casemate by the strong arm of arbitrary power, and what redress has he? What becomes of the old English maxim, "Every man's house is his castle?"

AUTHOR. Did you ever mark the contrast in the sentiments uttered by William H. Seward, Secretary of State, and William Pitt, Prime Minister of England?

In conversation with Lord Lyons, Mr. Seward said, "*My lord, I can touch a bell on my right hand, and order the arrest of a citizen of Ohio; I can touch a bell again, and order the imprisonment of a citizen of New York; and no power on earth, except that of the President, can release them. Can the Queen of England do so much?*"

The Earl of Chatham said:

"THE POOREST MAN IN HIS COTTAGE MAY BID DEFIANCE TO ALL THE POWER OF THE CROWN. IT MAY BE FRAIL; ITS ROOF MAY SHAKE; THE WIND MAY BLOW THROUGH IT; THE STORM MAY ENTER; THE RAIN MAY ENTER; BUT THE KING OF ENGLAND CANNOT ENTER: ALL HIS POWER DARES NOT CROSS THE THRESHOLD OF THAT RUINED TENEMENT."

Here we have presented the difference between the liberties of the American citizen, and the rights of the English subject.

JUDGE H. Yes, it presents a melancholy picture.

"He that takes
Deep in his soft credulity the stamp
Designed by loud declaimers on the part
Of liberty, themselves the slaves of lust,
Incurs derision for his easy faith
And lack of knowledge, and with cause enough:
For when was public virtue to be found
Where private was not? Can he love the whole
Who loves no part? He be a nation's friend
Who is in truth the friend of no man there?
Can he be strenuous in his country's cause
Who slights the charities, for whose dear sake
That country, if at all, must be beloved?"

It is to be hoped that the men in power, who have abused the confidence of the people, will soon be displaced.

AUTHOR. Your language in reference to "abusing the

confidence of the people," reminds me very forcibly of that uttered by Cicero, in his celebrated speech against Catiline, in which he says: "How far, then, Catiline, wilt thou abuse our patience? How long, too, will that frantic wickedness of thine baffle our efforts? To what extent will thy unbridled audacity insolently display itself?"

JUDGE H. Yes, and the same language might have been appropriately used in our own country during the late Administration.

AUTHOR. I think it would have been quite *apropos*, for there were then in our midst many Catilines. Then Liberty was the synonyme of Fort. Could but the walls of Fort La Fayette — of Fort Warren — of Fort McHenry speak, what untold wrongs of vindictive persecution would the American people hear from those dark, damp, loathsome casemates! But a day of retribution will come, *must come*. Crimes and criminals never go unpunished. The wail of the mother — the grief of the wife — or the cry of the daughter may be suppressed for the time, by the gleaming bayonets of an obedient soldiery; but retributive justice will follow him who robs the citizen of his liberty, even unto the very precincts of the cold and silent grave; conscience will smite him on earth, and he will exclaim:

> "The thorns that I have reaped, are of the tree I planted.
> They have torn me, and I bleed!"

JUDGE H. Some day the history of the political imprisonments during the late Administration will be written, and what a sad chapter to be read by posterity! It makes my heart weep to think that in this land of so-called liberty there has been so much oppression. We can no longer point to the Bastiles of France — the Towers and castles of Eng-

land, as "barbarous relics of a barbarous age." The American Bastile is now identified with the institutions of our country. *Here the word of the informer was the law — the sound of the "little bell" the signal — and the telegraph the messenger.* Citizens were arrested by thousands, and incarcerated without warrant. Judges were torn from the bench, bruised and bleeding. Ministers of the Gospel, while performing the sacred and holy duties of their offices, were stricken down, dragged through the streets, and imprisoned. Women were incarcerated, and subjected to insult and outrage. Doctors were ruthlessly taken from the bedside of the dying patient, and immured for months without warrant, and lawyers arrested and consigned to the same cells with their clients, whose release they were endeavoring to effect. Post-offices were searched; newspapers seized and suppressed, while the editors were handcuffed and secretly hurried to prison. The writ of *Habeas Corpus* was a blank, and all our inheritable rights, "poor, poor, dumb mouths."

AUTHOR. Nor was that all. The citizen was not only denied the great bulwark of personal liberty — the writ of *Habeas Corpus* — but even the guns upon the ramparts of strongly garrisoned fortresses, placed there to defend the Citadel of Liberty against a foreign enemy without, were used to prevent the execution of the writ to effect the release of the citizen incarcerated within, and derisively called the "Habeas Corpus." What solemn mockery!

JUDGE H. Yes, the civil law was powerless, while military law ruled supreme. The citizen was utterly helpless. His liberty and life were in the hands of a reckless military commission, or an obedient Secretary, who had neither conscience nor mercy

AUTHOR. Ay, it makes one sad to think there was such an useless disregard of all personal rights. A Government so young should protect the liberties of the people, for dissolution will soon follow tyranny in a free government.

JUDGE H. How would you like to write a history of the political imprisonments during the Administration of the late Mr. Lincoln?

AUTHOR. My dear Judge, I should prefer to write a *brighter page* in the history of my country.

JUDGE H. That is true. But do you not think it is a duty we owe to our country, as good citizens, to give the facts to the people, show them that they have been misinformed and deceived, and thus, if possible, prevent a repetition of like encroachments upon their chartered rights?

AUTHOR. Do you not think the prejudices of those who ought to listen, are so strong that they would turn a deaf ear to the truth?

JUDGE H. No. On the contrary, I believe a large portion of the Republican party was opposed to the illegal arrests of citizens, and regret that such a course of arbitrary power was exercised.

AUTHOR. I should think so too; for the name of "BASTILE," in free America, involuntarily carries us back to the French Revolution, where crimes untold were committed, as in our own country, in the name of liberty.

JUDGE H. Can you give me a short history of the Bastile in Paris? I know it was demolished, but I have forgotten the facts in connection with it.

AUTHOR. I will endeavor to do so, but you will excuse me, Judge, if you find me a little rusty. The Fortress of the Bastile, I think, was erected in the fourteenth century,

(in the reign of Charles V.,) about the time the city was surrounded by walls and ditches, to defend it from the incursions of the English. It was then in the fashionable quarter of the city. About the year 1594, Henri II. received a wound, in tilting at a tournament, from the Comte de Montgomery, and in consequence of the death of Henri from this wound, Catherine de Medicis deserted this quarter, and in later years the Fortress of the Bastile was used only as a state prison. Like most edifices of this nature, it became odious in the sight of the people, "and as the receptacle of individuals arrested by virtue of *Lettres de Cachet*, was the scene of many memorable abuses of authority." It was consequently against this monument of arbitrary power that the people directed the attack in 1789. They captured it, and liberated the many unhappy and unfortunate victims therein confined. It was afterwards totally demolished by a decree of the National Assembly. On its site stands the Column July, an ornament of the city of Paris, and an index to the progress and civilization of the times. One part of this column is devoted to commemorate the names of those who fell in the taking of the Bastile, and the other to those who were killed on the spot in July, 1830. When I stood at the base of this column in 1859, I thought of the presentation of the key of the Bastile by La Fayette to Washington.

The key was placed in the hands of La Fayette, who forwarded it, through Thomas Paine, an American in London, as a present to Washington, together with a drawing representing the destruction of the prison. In the letter to Washington, accompanying the gift, the Marquis says:

"Give me leave, my dear general, to present you with a picture of the Bastile, just as it looked a few days after I

ordered its destruction, with the main key of the fortress of despotism. It is a tribute which I owe as a son to my adopted father, as an aide-de-camp to my general, as a missionary of liberty to its patriarch."

Mr. Thomas Paine forwarded from London the drawing and key, accompanied by a letter, in which he said:

"I feel myself happy in being the person through whom the Marquis has conveyed this early trophy of the spoils of despotism, and first ripe fruits of American principles transplanted into Europe, to his great master and patron.

"That the principles of America opened the Bastile is not to be doubted, and, therefore, the key comes to the right place."

Washington wrote to La Fayette:

"I received your affectionate letter by one conveyance, and the token gained by liberty over despotism, by another; for both which testimonials of your friendship and regard, I pray you to accept my sincerest thanks. In this great subject of triumph for the New World, and for humanity in general, it will never be forgotten how conspicuous a part you bore, and how much lustre you reflected on a country in which you made the first displays of your character."

It has been eloquently and truthfully said:

"The key was hung in Mount Vernon as a memento of the triumph of American principles of liberty in France, and an emblem of their all-pervading vigor in our own country. What a melancholy retrospect for the American citizen! The Bastile is crumbled in France, but the principles of despotism that reared it are transplanted into America, and impress the character of the very fortress named after its illustrious destroyer. THE BASTILE IS HERE. If the spirits of

the mighty dead ever mingle with the destinies of the living, how must the groans of anguish wafted up to Heaven from that prison, fall on the mighty spirits of the immortal Washington and Lafayette? That key still hangs in the hallowed shades of Mount Vernon, an Emblem of Liberty."

JUDGE H. Do you not think the arbitrary power exercised during the Administration of Mr. Lincoln, will have a damaging effect upon the influence of free institutions abroad, and that we had better protect the liberty of the citizen at home, before we attempt to transplant it into other countries?

AUTHOR. The encroachments upon the personal rights of American citizens, during the Administration of President Lincoln, would not inspire one with the idea that we had much of liberty to lose, or, at least, be in a condition to transplant it into other countries, or among other peoples. Far better would it be, to inscribe on the brow of the Goddess of Liberty, over the dome of the Capitol at Washington, the ancient inscription over the entrance into the Temple of Apollo, at Delphi — "KNOW THYSELF," than attempt to preach liberty abroad, when we do not enjoy it at home. Let our citizens be protected by constitutional liberty at home, and then you may sow the seeds of freedom of speech — freedom of the press — and freedom of thought — throughout the world if you choose; but so long as our own soil is so poor that liberty will not germinate and fructify in it — or, if it does take root, is so feeble as to be swept away by the first under-current, then the less we boast about American Liberty, under an American Constitution, the better for our reputation and the cause for which our forefathers contended.

JUDGE H. The people ought to know wherein they have been robbed of their liberties, and by whom. You know it

was the fear of the Roman citizen that his liberty was in danger that caused the assassination of Cæsar.

Author. That was the excuse of the conspirators. The mere presentation of a crown to Cæsar, at the Lupercal, however, did not justify the deed, for he had thrice refused it. The liberty of the Roman citizen was not in danger, nor had any as yet been deprived of it. But in our country the case was quite different, for our citizens were robbed of their liberties; and I agree with you, the people ought to know why, and by what authority they have been deprived of their constitutional rights.

Judge H. What method would you adopt to let them know the extent of the wrongs they have endured?

Author. The most truthful, and, I should think, the most effectual method, would be to publish a history of the individual cases of some of those who have suffered. In addition to this, I would publish a translated copy of the *Magna Charta*, a document which should be dear to every American freeman; and besides, it would be a great curiosity to the American reader, for I do not think it has been published more than three or four times in this country. No one who could secure a copy of the *Great Charter* — the Keystone of English Liberty — would neglect the opportunity. I have seen the original manuscript in the British Museum, in London. It is written in Latin, and is considered a great curiosity. Accompanying it, of course, would be its offspring — the Constitution of the United States, with the recent amendments to it. No man, of whatever political creed, should be without a copy of the Constitution, because it is as necessary for him to know its teachings, to understand his civic rights on earth, as it is important for him to study the precepts of

the Bible to aid him in his preparation for heaven. Then I would illustrate the book with "Independence Bell," with its inscription; Mr. Seward's "little bell," with the hand of an unseen person touching it; "Independence Hall," where the Declaration of Independence was adopted and proclaimed; and the "Old Capitol" at Washington, now demolished, where Congress (after the destruction of the Capitol by the British, in 1814,) met, but more recently used for the incarceration of Prisoners of State, together with some of the Forts in which thousands of citizens, torn from their families, without warrant or charge, and secretly hurried away from their homes, were immured for months and years, in damp, dungeon casemates. While all these things would be interesting to the reader, some of them would reveal secrets in the history of the Government which would astonish him.

JUDGE H. You astonish me, and have excited my desire to see such a book. I am entirely ignorant of many things of which you have talked to-night. Such a work would be very instructive, *and more interesting than any book that has ever been published in this country.* It would be bought and read by every man and woman who can read the English language. What would you call it?

AUTHOR. The "AMERICAN BASTILE."

JUDGE H. Now I not only request, but urge you to publish such a book.

AUTHOR. But I have already said I would prefer to write a brighter page in my country's history.

JUDGE H. So would a judge rather not sentence a criminal to death.

AUTHOR. I will undertake then, though reluctantly, to do what you suggest — write a history of the cases of State

Prisoners. Your advice to me has always been good; and while I undertake this work, it will be for the public good. It will be for the purpose of preventing, in future, a repetition of the errors and crimes committed in the past, and to aid in the preservation of those rights, liberties, and franchises transmitted to us by the fathers of the Republic, to be protected, defended, and guarded by us, as a sacred trust.

JUDGE H. I am heartily glad, my dear sir, that you have acceded to my suggestions, and hope the history you write will find a place on the shelf of every public and private library in our common country. It will not exhibit the bright side, but it may be the means of guarding the people against a repetition of the offences and wrongs committed in the past, and forewarn them, in the language of the Father of his Country, to "resist with care the spirit of innovation upon the principles of our government, however specious the pretext."

AUTHOR. I thank you, my dear Judge, for the many kind suggestions you have made to me to-night, and trust they are fully appreciated. Your kindness is proverbial; your learning acknowledged; and your patriotism undoubted. Your disinterested friendship and advice to me have been invaluable, and I hope I may continue in the future to merit your confidence and regard.

JUDGE H. It will always give me pleasure to promote your individual interests; but my advice to you, to-night, has been more concerning your duty, than interest. The genius and science of our Government are based upon personal rights, and personal liberty. The people under our form of government are sovereign. They should know wherein their civil rights have been violated, and their liberties abridged. Al

I ask of you is to enlighten them on these vital subjects — *subjects that are the very marrow of our institutions.* The people should know that while they are advancing the interests of their Government by a hearty co-operation, the Government at the same time is not depriving them of their personal rights; for, in the language of the great English orator and statesman, Edmund Burke, "Let it be once understood that your government may be one thing, and the people's privileges another; that these two things may exist without any mutual relation, the cement is gone — the cohesion is loosened — and everything hastens to decay and dissolution." But I have been agreeably entertained by you until a late hour. We will talk over these matters soon again, and in the mean time, my dear friend, farewell.

AUTHOR. You are always a welcome visitor — good night.

JANUARY. 1868.

INTRODUCTION

PERSONAL or civil liberty is that boon which man values most among the inestimable gifts of God, his Creator. In the proper enjoyment of it, he stands forth in the image of his Maker, self-reliant and strong. Take from him this inherent natural right — through the forms of government or law — by subjugation or force — by tyranny or prerogative — and he is a mere machine, worked by the hand of power.

It is equally true that the prosperity and superiority of the State or Nation having the elements of personal or civil liberty or freedom incorporated in the formation of the society which constitutes it, is in proportion to the extent of the civil privileges, immunities, and franchises. When a State properly enjoys liberty, its progress is the more rapid and stable. When the liberties of the people are abused and degraded, the State retrogrades.

The proper *uses* of liberty, in a free government where emulation receives encouragement and support, stimulate the citizen, and produce culture, refinement, art, science, invention, learning, eloquence, oratory, statesmanship, and religion, in the highest degree. No other form of government advances the virtues and interests of the people to such superiority and pre-eminence. It invites competition — it is the lever of progress — it is the friend of ambition. Hence, when the whole people — like the individual man — are inspired

with a pure, patriotic, and instinctive love of liberty, the State becomes great, illustrious, and mighty.

The citizen of a free State has no superior, in point of liberty or in point of law. The humblest citizen is entitled to the same rights and privileges, and the same protection, to which the highest magistrate is entitled. The law in a free government is no respecter of persons, nor does it make any distinction, in so far as liberty is concerned.

In a free government, the Constitution throws around the citizen certain safeguards or protections to his liberty. It gives him the right to trial by jury. It secures him against unreasonable searches and seizures. It protects him against arrest, except on *oath* made by a responsible person. If maliciously arrested or falsely imprisoned, he has his redress or action against the informant or magistrate for trespass or false imprisonment. "*Every restraint upon a man's liberty*," says Kent, "*is, in the eye of the law, an imprisonment, wherever may be the place, or whatever may be the manner in which the restraint is effected.*" Even words may constitute an imprisonment, if they impose a restraint upon a person, and he submits.

He, then, who, possessing the power, robs the citizen of his liberty, even for an hour — yea, for a moment — without the sanction of law, or deprives him of the right to all the immunities of the law, commits *a crime* against the interests of the State, which time cannot expiate. By his example, the people are made reckless of their liberties and their allegiance to the State.

Blackstone says: "Of so great importance to the public is the preservation of personal liberty, that, if once it were left in the power of any, the highest magistrate, to imprison

arbitrarily whoever he or his officers thought proper, there would soon be an end of all other rights and immunities. To bereave a man of his life, or by violence to confiscate his estate, without accusation or trial, would be so gross and notorious an act of despotism as must at once convey the alarm of tyranny throughout the whole kingdom; *but confinement of the person, by secretly hurrying him to jail, where his sufferings are unknown or forgotten, is a less public, a less striking, and therefore a more dangerous engine of arbitrary power.*"

The highest aim of the magistrate in a free government should be to protect and defend, and not destroy, the liberty of the citizen. Even when the State is in danger, it is the province of the Legislature, and not of the magistrate, to protect it against external or internal foes.

In a free or elective system of government, as in the United States, where a written Constitution has been adopted, the different branches of government are so well marked out and defined, and the duties and offices of each are so independent and distinct, that under no possible circumstances can usurpations in any, or the encroachments of one upon the other, be excused. Any usurpation whatever, in either branch, leads to anarchy, demoralization, and finally disruption. The blow may not be aimed at, but it strikes into the very heart of liberty.

Hence the absolute necessity of keeping the liberties of the people pure and immaculate, and free from infringement, by the makers, the administrators, and the expounders of the laws.

In order to protect and increase the power and prolong the independence of the State, the liberties of the people must be fostered, guarded, and secured. "It" (liberty), says Burke,

"is not only a private blessing of the first order, but the vital spring or energy of the State itself, which has just so much life and vigor as there is liberty in it."

To protect liberty, the streams of legislation, administration, and justice must be kept clear, from the fountain-head even unto the mouth. Usurpations and encroachments upon the rights and liberties of the citizen are as deleterious to the tranquillity and welfare of the State as the unbridled, unrestrained, and licentious abuse of them by the citizen.

These prefatory remarks are made merely to remind the general reader of his constitutional rights. Of late, the civic rights of the citizen have been abridged. It remains to be seen whether he will maintain them. The permanence and stability of the government rest entirely with the citizen. It is for him to say how long free government will exist in our country.

Although free government may be traced back to a period of about three thousand years, it is not my intention to allude to the experiments in establishing it beyond the adoption of Magna Charta, in which may be found the vital principles on which it is based. The political rights which we enjoy under our Constitution may be said to be derived directly from that document.

Yet, it is proper to say here, that the principles of liberty enunciated and the privileges granted by the Magna Charta, many of which had been digested in a code of laws by Alfred, were not confined exclusively to the Anglo-Saxons; for almost at the same era, upon the election of King Christopher II. of Denmark, he was obliged to sign a charter granting nearly the same privileges and immunities as were contained in the Magna Charta, among which were that no man

should be imprisoned, or deprived of life, liberty, or property, without public trial and conviction according to law; and that no law should be made or altered without the consent of the Parliament, composed of the best men of the kingdom, to be held annually at Wyborg.

And it may be said, that in Northern Europe, as well as in England, at the time of the granting of the Great Charter, the German tribes generally, and the Danes, were inspired by the same spirit of liberty which was enkindled in the hearts of the Anglo-Saxons, their descendants.

From the time of the granting of the municipal privileges and personal rights, as contained in Magna Charta, signed by King John on the 15th of June, 1215, but which was not really established until "after the contests of near a whole century," for during that time, "it is computed," says Hume, "that about thirty confirmations of the charter were at different times required of several kings, and granted by them in full Parliament," the people of England have been jealous of their personal liberties and watchful of their civic rights.

Since that period, the genius of the English people has been strongly and invariably in favor of liberty, while royal prerogative, until the accession of William and Mary, inclined as violently towards arbitrary power.

The Magna Charta laid the foundation for a Constitution, which has engrafted in it all the attributes and securities of personal liberty, and stands a monument of enlightened statesmanship, worthy the pride and admiration of the English people; while the Great Charter itself denotes an epoch between despotism and liberty—semi-barbarism and civilization---rudeness and refinement.

The struggles to maintain the chartered rights of the people against the encroachments and usurpations of kingly prerogative, have been many, great, and even revolutionary. It has only been by an unconquerable will, and severe contests, that they have again and again been reasserted and re-established, enlarged and secured.

Encroachments upon the rights and liberties of the people by Charles I., who caused the arbitrary imprisonment of his subjects, gave birth to the enactment of the Petition of Right, and also brought the head of that unhappy monarch to the block.

To enforce the provisions contained in the Magna Charta and Petition of Right, for securing the subject in his personal rights and personal liberty, against arbitrary imprisonments by command of the King or the Privy Council, the Habeas Corpus Act was passed, in the 31st Charles II. It may be called the bulwark of English liberty.

For nearly five centuries, the contests between sovereign and people, the one for royal prerogative, the other for the rights of personal liberty, were many and violent.

If the King would threaten with the Star Chamber, the people would point to the Magna Charta. If the King would commit by the High Commission Court, the people would unfold the Petition of Right. If the King would imprison by the Privy Council, the people would release through the Habeas Corpus.

In 1688, these struggles culminated, and ended in the adoption of the Declaration of Rights and the Act of Settlement, in the dethronement of James II. and the establishment of William and Mary, by a Civil Revolution, in which "not

a single new right was given to the people or a single flower of the crown was touched."

Since then, wise and sagacious legislation may have added strength to the perpetuity of the Crown; but at the same time, it has maintained and enlarged the rights and liberties of the people. It has firmly established a triune government — a monarchy, an aristocracy, and a democracy — in which, happily, democracy is the controlling element and monarchy a mere formality, while the aristocracy leans towards the democracy for protection.

The acts of the Sovereign are dependent on a ministry responsible to the Parliament, which has grown so much in power, especially the Commons, that it may be said the safeguards of personal liberty, under the English Constitution, repose in the breasts of the English people.

After the expulsion of the kings, the Romans, being careful of their liberties, erected and dedicated a temple to the Goddess of Liberty, and it was then esteemed an honor to call oneself a Roman citizen — *Civis Romanus.*

In our own country, there was a time when the proudest appellation a man could bear was that of American citizen. "I am an American citizen," implied liberty and safety — protection and justice. Then, the national shield was, indeed, a shield with arms — a shield which defended the citizen against every act of tyranny and usurpation — a shield which guarded him on land and sea, at home and abroad. Then, personal liberty was a citizen's birthright. Then, free speech was unshackled. Then, Mr. Webster could exclaim: "It" (free speech) "is a homebred right — a fireside privilege. It has ever been enjoyed in every house, cottage, and cabin in the nation. It is not to be drowned in controversy. It is as

undoubted as the right of breathing the air and walking on the earth. It is a right to be maintained in peace and in war. It is a right which cannot be invaded without destroying constitutional liberty. Hence, this right should be guarded and protected by the freemen of this country with a jealous care, unless they are prepared for chains and anarchy."

What are the protections of the law now?

When the arteries which convey the life-blood from the heart of the constitution to all parts of its body once become paralyzed, the most skilful treatment can never restore it to its original vigor and healthful condition. A partial recovery may be effected, but the disease remains.

Oppressive and illegal acts by one Administration may be adopted as established precedents for similar encroachments by succeeding ones; and who can gainsay the right? *Surely, not the people, when they not only encourage, but are accessories in the wrong.* Therefore, without a proper and conscientious regard for the majesty of the law, and the observance of personal rights, there is no security for permanence in free government.

From the organization of the Government, until the administration of the late Mr. Lincoln, we know of no case in which an American citizen was arrested without warrant, imprisoned without charge preferred, and released, after months and years of incarceration, without trial; although he who will take the trouble to turn over the leaves of American history will discover that, in many cases, there was not only imaginary, but *real* "*disloyalty*" among citizens, dangerous to the common interests of the Government, during former Administrations.

Educated in the principles of republicanism, intelligent

beyond comparison, and heretofore governed by conservative magistrates, whose wisdom, experience, and characters commanded respect and confidence — a people who had always supported the Government with alacrity, unselfish devotion, and fidelity, was unprepared to be obliged to submit, without redress, except by physical resistance, to an arbitrary and tyrannical prerogative, unrestrained by law, reason, or justice.

The Administration of Mr. Lincoln having been ushered into existence under the banner of universal freedom, it was to be expected, from the enlightened condition of the age, and the conservative and patriotic disposition of the people in the "loyal" States, that the Government would be administered in accordance with the promised reforms. In this, however, the people were disappointed. Legislative enactments were unrestrained by constitutional provisions. The President assumed *quasi* plenary power, to make and enforce laws without the interference, assistance, or aid of the legislative or judicial branches of Government; and, in a word, drew around his official person — as he would his mantle around his individual person — all the powers of government, Municipal, State, and National, which he enforced through his *obsequious* Secretaries. Consolidation of interests, and centralization of power, were complete. The Government was the President — the President was the Government.

But we forbear to criticise. We present facts. Let them speak. *Let the people answer.* No words we could use would bring relief to the harrowed feeling of, or redress the wrongs perpetrated upon, *thousands* of unoffending citizens, by their unwarranted incarceration in American Bastiles during the Administration of the late President Lincoln. We contemplate the cruelties, oppressions, persecutions, and imprison-

ments, committed during that long night of political despotism, with alarm. We shudder for the future of the country, when we take a retrospect of the late past.

If a truthful presentation of the facts, as contained in this volume, will in anywise prevent in the future a repetition of the wrongs and crimes committed against the rights and liberties of the people, *in the name of liberty*, then our highest ambition has been satisfied. To prevent flagitious wrongs from being committed against the constitutional rights of individuals is the duty of every good citizen in a free State. Liberty is too valuable a privilege, and, as we have endeavored to demonstrate, has been too costly an inheritance, to be bartered away for the gratification of personal or political animosity.

May the time never again arrive in the history of this country, when it may be said to Americans, as was said by Camille Desmoulins to the Parisians during the French Revolution: "Ye worship the Goddess of Liberty, not in principle, but in stone, and never was a more stupid or costly idolatry. Liberty, heaven-descended, is neither a nymph of the opera, nor a *bonnet rouge*, nor yet a dirty shirt and ragged clothes. Liberty is happiness, reason, equality—the declaration of rights—in a word, the Constitution. If you would have me worship it, open your prisons; set free the two hundred thousand ye have incarcerated as *suspects*. I find no such crime in the Constitution or the law."

That has always been in the past, and ever will be in the future, the sincere prayer of

THE AUTHOR.

MAGNA CHARTA.

JOHN, BY THE GRACE OF GOD, KING OF ENGLAND, LORD OF IRELAND, DUKE OF NORMANDY AND AQUITAINE, AND COUNT OF ANJOU; TO HIS ARCHBISHOPS, BISHOPS, ABBOTS, EARLS, BARONS, JUSTICIARIES, FORESTERS, SHERIFFS, GOVERNORS, OFFICERS, AND TO ALL HIS BAILIFFS AND LIEGEMEN, GREETING:

Know ye, that in presence of GOD, and for the health of our soul and the soul of our ancestors and heirs, and to the honor of God and to the exaltation of His Holy Church, and for the amendment of our kingdom; by advice of our venerable fathers, Stephen, archbishop of Canterbury, primate of all England, and cardinal of the Holy Roman Church; Henry, archbishop of Dublin; William of London, Peter of Winchester, Jocelyn of Bath and Glastonbury, Hugh of Lincoln, Walter of Worcester, William of Coventry, and Benedict of Rochester, bishops; Master Pandulph, our lord the Pope's subdeacon and servant; Brother Aymeric, master of the Temple in England; and the noblemen William Marescall, earl of Pembroke, William earl of Salisbury, William earl of Warren, William earl of Arundel, Alan de Galloway, constable of Scotland, Warin Fitzgerald, Peter Fitzherbert, Hubert de Burgh, seneschal of Poictou, Hugh de Neville, Matthew Fitzherbert, Thomas Basset, Alan Basset, Philip de Albiney, Robert de Roppelaye, John Marescall, John Fitzhugh, and others our liegemen; we have granted to GOD, and by this our present charter confirmed, for us and our heirs forever:

1. That the English church shall be free and enjoy her whole liberties inviolate. And that we will have them so to be observed, appears from this that of our mere good will we granted, and by our charter confirmed, the freedom of elections which was reckoned most necessary for the English Church, and obtained the

confirmation thereof from our lord the Pope Innocent the Third, before the discord which has arisen between us and our barons; which charter we will ourselves observe, and will that it be observed in good faith by our heirs forever. We have also for us and our heirs forever granted to all the freemen of our kingdom, all the underwritten liberties to have and to hold to them and their heirs from us and our heirs.

2. If any of our earls or barons, or others holding lands of us *in capite* by military service shall die, and when he dies his heir shall be of full age and owe a relief, the heir shall have his inheritance by the ancient relief; the heir or heirs of an earl for a whole earl's barony, by one hundred pounds; of a baron for a whole barony, by one hundred pounds (marks); of a knight for a whole knight's fee, by one hundred shillings at most; and he who owes a less relief shall pay less according to the ancient custom of his fee.

3. But if the heir shall be under age, and shall be in ward, when he comes of age he shall have his inheritance without relief or fine.

4. The warden of the heir under age shall take only reasonable issues, customs, and services; and that without destruction or waste of men or things. And if we shall commit the guardianship of these lands to the sheriff or any other who is answerable to us for their revenues, and he shall make destruction or waste on the ward lands, he shall make satisfaction; and the lands shall be intrusted to two lawful and discreet men of that fee, who shall be answerable to us. Or, if we shall give or sell the wardship of lands to any one, and he shall make destruction or waste, he shall lose his wardship, and the lands shall be intrusted to two discreet men of that fee, who shall be answerable to us as aforesaid.

5. The warden, for as long as he shall hold the land, shall, from the revenues thereof, maintain the houses, parks, warrens, ponds, mills, and other things thereto pertaining; and he shall restore to the heir when he comes of age his whole land stocked with ploughs and carriages according as the line of wainage shall require, and the revenue of the estate will reasonably allow.

6. Heirs shall be married without disparagement of their rank,

yet in such wise, that before the marriage is contracted, the blood relations of the heir shall be acquainted with it.

7. A widow, after the death of her husband, shall forthwith and without difficulty have her marriage and her inheritance; nor shall she give anything for her dower, marriage, or her inheritance which she and her husband may have held on the day of his decease; and she may remain in the house of her husband forty days after his death, within which term her dower shall be assigned.

8. No widow shall be distrained to marry herself while she shall desire to live without a husband; but she shall give security not to marry without the king's assent, if she holds of him; or without the consent of the lord of whom she holds, if she holds of another.

9. Neither we nor our bailiffs shall seize any land or rent for any debt, so long as the chattels of the debtor are sufficient for the payment of the debt. Nor shall the sureties of the debtor be distrained, so long as the principal debtor is sufficient for the payment of the debt. And if the principal debtor fail in the payment of the debt, not having wherewithal to discharge it, then shall the sureties be answerable for the debt. And, if they will, they shall have the lands and rents of the debtor until they shall be satisfied for the debt they have paid for him; unless the principal debtor shall show himself acquitted thereof against the said sureties.

10. If any one shall have borrowed anything from the Jews, more or less, and shall die before that debt be paid, the debt shall pay no interest so long as the heir shall be under age, of whomsoever he may hold; and if that debt shall fall into our hands, we will take nothing but the chattel named in the bond.

11. And if any one shall die indebted to the Jews, his wife shall have her dower and shall pay nothing of that debt; and if children of the deceased shall remain, under age, necessaries shall be provided for them according to the tenement which belonged to the deceased; and out of the residue the debt shall be paid, saving the rights of lords (from whom the lands are held). In like manner let it be done with debts due to others than Jews.

12. No scutage nor aid shall be imposed in our kingdom. ex-

cepting for the ransom of our person, to make our eldest son a knight, and once to marry our eldest daughter; and for these none but a reasonable aid shall be demanded. So, likewise, let it be concerning the aid of the city of London.

13. And the city of London shall have all its ancient liberties and free customs, as well by land as by water. Furthermore, we will and grant that all other cities, burghs, towns, and ports, have all their liberties and free customs.

14. And for the holding of the common council of the kingdom, to assess aids other than in the three aforesaid cases, and for the assessing of scutages, we will cause the archbishops, bishops, abbots, earls, and greater barons to be summoned individually by our letters; moreover, we will cause all others in general who hold of us *in capite* to be summoned by our sheriffs and bailiffs on a certain day, to wit: forty days at least (before the meeting), and to a certain place; and in all letters of summons, we will declare the cause of the summons. And the summons being thus made, the business shall proceed on the day appointed, according to the advice of those who shall be present, although all that shall be summoned may not come.

15. We will not, for the future, give leave to any one to take an aid from his own free tenants, unless to redeem his own body, to make his eldest son a knight, and once to marry his eldest daughter; and for these none but a reasonable aid shall be paid.

16. No man shall be distrained to do more service for a knight's fee or other free tenement, than what is justly due therefrom.

17. Common pleas shall not follow our court, but shall be holden in some certain place.

18. Trials upon the writs of *novel disseisin*, *mort d'ancestre*, and *darrein presentment*, shall be taken only in their proper counties, and after this manner: We, or, if we shall be out of the realm, our chief justiciary, will send through every county, four times in the year, two justiciaries, who, with four knights of the county, elected by the county, shall hold the aforesaid assizes in the county, on the county day, and at the county place.

19. And if the aforesaid assizes cannot be held on the county day, let as many of the knights and freeholders, who have been present at the county court, remain behind, as shall be sufficient

to conduct the trials, according as the business shall be, more or less

20. A freeman shall not be amerced for a slight offence, but in proportion to the degree of the offence; and for a great offence he shall be amerced according to its magnitude, saving to him his contenement; likewise, a merchant shall be amerced, saving to him his merchandise; and a villain in the same way, saving his wainage if he falls under our mercy; and none of the aforesaid amerciaments shall be assessed, but by the oath of honest men of the neighborhood.

21. Earls and barons shall not be amerced but by their peers and according to the degree of their offence.

22. No clerk shall be amerced for his lay tenement but in the manner of the others aforesaid, and not according to the quantity of his ecclesiastical benefice.

23. Neither town nor man shall be distrained to build bridges over rivers, save those who anciently and rightfully are bound to do it.

24. No sheriff, constable, coroners, or other our bailiffs shall hold pleas of our crown.

25. All counties, hundreds, trethings, and wapentakes shall stand at their old rents without increase, except in our demesne manors.

26. If any one, holding of us a lay fee, dies, and the sheriff or our bailiff shall show our letters patent of summons concerning a debt due to us from the deceased, it shall be lawful for the sheriff or our bailiff to attach and register the chattels of the deceased found upon his lay fee, to the amount of that debt, by the view of lawful men, so that nothing be removed until our whole debt be paid: and the rest shall be paid to the executors to fulfil the will of the deceased; and if there be nothing due from the deceased to us, the chattels shall remain to the deceased saving to his wife and children their reasonable shares.

27. If a freeman shall die intestate, his chattels shall be distributed by the hands of his nearest relations and friends, by view of the church, saving to every one the debts which the deceased owed.

28. No constable or other our bailiff shall take the corn or other goods of any man unless he instantly pay money for it, or obtain a respite of payment by the free will of the seller.

29. No constable (of a castle) shall distrain any knight to give money for castle guard, if he be willing to do guard in his own person, or by another able man, if he himself, for reasonable cause, cannot perform it. And if we shall have led or sent him to the army, he shall be excused from castle guard according to the time he shall be in the army by our order.

30. No sheriff nor bailiff of ours, nor any other person, shall take the horses or carts of any freeman, for carriage, without the free consent of the said freeman.

31. Neither we nor our bailiffs will take another man's timber for our castles or other uses, unless by the consent of the owner of the timber.

32. We will not retain the lands of those who have been convicted of felony, but for one year and a day, and then they shall be delivered to the lord of the fee.

33. All wears shall, for the future, be wholly removed from the Thames and Medway, and throughout all England except on the seacoast.

34. The writ which is called *præcipe* shall not for the future be granted to any one of any tenement whereby a freeman may lose his court.

35. Throughout our whole kingdom there shall be one measure of wine; and one measure of ale; and one measure of corn; namely, the quarter of London; and one width of dyed cloths, and russets, and halberjects, namely, two ells within the lists. And it shall be with weights as with measures.

36. From henceforth nothing shall be given or taken for the writ of *inquest* of life or limb; but it shall be given without charge, and not denied.

37. If any man hold of us by fee-farm, socage, or burgage, and hold land of another by military service, we shall not have the wardship of the heir or of the land which belongs to another man's fee on account of the aforesaid fee-farm, socage, or burgage; nor shall we have the wardship of the fee-farm, socage, or burgage, unless the fee-farm owe military service. We shall not have the wardship of any man's heir, or of the land he holds of another on account of any petty serjeantry he holds of us by the service of giving us daggers, arrows, or the like.

38. No bailiff shall henceforth put any man to his law upon

his own single accusation without credible witnesses produced for that purpose.

39. NO FREEMAN SHALL BE TAKEN, OR IMPRISONED, OR DISPOSSESSED, OR OUTLAWED, OR BANISHED, OR IN ANY WAY DESTROYED; NOR WILL WE PASS UPON HIM, NOR COMMIT HIM, BUT BY THE LAWFUL JUDGMENT OF HIS PEERS, OR BY THE LAW OF THE LAND.

40. TO NO MAN WILL WE SELL, TO NONE WILL WE DELAY, TO NONE WILL WE DENY RIGHT OR JUSTICE.

41. All merchants shall have safety and security in coming into England and departing out of England, and in tarrying and travelling through England, as well by land as by water, to buy and sell without any evil tolls, according to the ancient and just customs; except in time of war, when they shall be of any nation at war with us. And if any such be found in our land at the beginning of a war, they shall be apprehended without injury of their bodies or their goods, until it shall be known to us or our chief justiciary how the merchants of our country are treated who are found in the country at war with us. And if ours be safe there, the others shall be safe in our land.

42. Henceforth it shall be lawful to any person to go out of our kingdom and to return safely and securely, by land or by water, saving his allegiance to us, unless for some short space in time of war, for the common good of the kingdom; except prisoners and outlaws by the law of the land, people of a country at war with us, and merchants who shall be treated as aforesaid.

43. If any man hold of any escheat, as of the honor of Wallingford, Nottingham, Boulogne, Lancaster, or any other escheats which are in our hand and are baronies, and shall die, his heir shall not give any other relief, nor do any other service to us, than he would to the baron if the barony were in a baron's hand; and we will hold it in the same way in which the baron held it.

44. Men who dwell without the forest shall not hereafter come before our justiciaries of the forest on a common summons, unless they are parties to a plea or sureties for any who have been apprehended for something concerning the forest.

45. We will not make justiciaries, sheriffs, or bailiffs except of such as know the law of the land, and are disposed duly to observe it.

46. All barons who have founded abbeys which they hold by charter of the kings of England, or by ancient tenure, shall have the custody thereof when they fall vacant, as they ought to have.

47. All forests which have been made in our time shall be immediately disforested; and it shall be so done with the embankments which have been erected as obstructions to the rivers in our reign.

48. All evil customs of forests and warrens, foresters and warreners, sheriffs and their officers, embankments and their keepers, shall forthwith be inquired into in every county by twelve sworn knights of the same county, who must be elected by the good men of the county; and within forty days after the holding of the inquisition they shall, by the said knights, be utterly abolished so as never to be restored; provided that we be first notified thereof, or if we be not in England, our chief justiciary.

49. We will forthwith restore all hostages and charters which have been delivered to us by the English in security of peace and faithful service.

50. We will remove from their bailiwicks the kinsmen of Gerard de Athyes, so that henceforth they shall have no bailiwick in England; Engelard of Cygony; Andrew, Peter, and Gyone de Chancell; Gyone de Cygony; Geoffrey de Martin and his brothers; Philip Mark and his brothers, and Geoffrey his brother, and all their retinue.

51. And immediately after the conclusion of peace we will remove from the kingdom all foreign knights, crossbowmen, and mercenary soldiers who have come with horses and arms to the injury of the kingdom.

52. If any man hath been by us deprived or dispossessed, without the lawful judgment of his peers, of lands, castles, liberties, or rights, we will forthwith make restitution; and if any dispute arise on this head, then the matter shall be settled by the judgment of five and twenty barons hereinafter mentioned for the preservation of the peace. Concerning all those things of which any man hath been deprived or dispossessed, without the legal judgment of his peers, by King Henry our father, or King Richard our brother, which we hold in our own hand or others hold under our warrant, we shall have respite until the common term of the Crusaders; except those concerning which a plea has

been moved, or an inquisition made by our direction, before our taking the cross; but so soon as we shall return from our expedition, or if by chance we should not go upon our expedition, we will forthwith do therein full justice.

53. We shall have like respite, and upon the like conditions, in doing justice by disforesting the forests which Henry our father or Richard our brother afforested, and the same concerning the wardship of lands belonging to another man's fee, of which we have hitherto had wardship on account of some fee held by the tenant from us by military service; and concerning abbeys founded in a fee which is not ours, and in which the lord hath claimed a right; and when we shall have returned, or if we should not go upon our expedition, we shall forthwith do full justice to complainants in these matters.

54. No man shall be taken or imprisoned on the appeal of a woman for the death of any other than her husband.

55. All fines that have been made unjustly and contrary to the law of the land, and all amerciaments imposed unjustly, contrary to the law of the land, shall be wholly remitted; or order shall therein be taken by the five and twenty barons hereinafter mentioned for the security of the peace, or by the verdict of the greater part of them, together with the aforesaid Stephen, archbishop of Canterbury, if he can be present, and such others as he may think fit to bring with him; but if he cannot be present, the business shall nevertheless proceed without him; yet so, that if any one or more of the aforesaid five and twenty barons have a like plea, they shall be removed from that particular trial, and others elected and sworn for that trial only by the residue of the five and twenty shall be substituted in their room.

56. If we have deprived or dispossessed any Welshmen of their lands, or liberties, or other things, without a legal verdict of their peers, restitution shall forthwith be made; and if any dispute shall arise upon this head, then let it be determined in the Marches by the judgment of their peers; for tenements of England, according to the law of England; for tenements of Wales, according to the law of Wales; and for tenements of the Marches, according to the law of the Marches. The Welsh shall do the same to us and to our subjects.

57. Also, concerning those things of which any Welshman hath been deprived or dispossessed without the lawful judgment of

his peers, by King Henry our father, or King Richard our brother, and which we hold in our hand or others hold under our warrant, we shall have respite until the common term of the Crusaders, except for those concerning which a plea hath been moved, or an inquisition made by our command before taking the cross. But as soon as we return upon our expedition, or if by chance we should not go upon our expedition, we shall immediately do full justice therein, according to the laws of Wales and of the parts aforesaid.

58. We will forthwith release the son of Llewellyn, and all the charters and hostages of Wales which were delivered to us for security of the peace.

59. We will do to Alexander, King of Scotland, concerning the restoration of his sisters and hostages, and concerning his liberties, and concerning his rights, according to the form in which we do to our other barons of England, unless it ought otherwise to be according to the charters which we have from William, his father, the late King of Scots; and this shall be by the judgment of his peers in our court.

60. All the aforesaid customs and liberties which we, for our part, have granted to be holden in our kingdom by our people, let all within the kingdom, as well clergy as laity, observe toward their vassals.

61. But forasmuch as we have granted all these things aforesaid to GOD, both for the amendment of our kingdom and for the better settling of the discord which has sprung up between us and our barons; and forasmuch as we desire that these things should remain in perfect and complete stability forever; therefore we do make and grant them the security underwritten, to wit: that the barons may elect twenty-five barons of the kingdom, whom they please, who shall, with their whole power, observe, keep, and cause to be observed, the liberties which we have granted and confirmed to them by this our charter: that is to say, if we or our justiciary, or our bailiffs, or any of our officers, shall have injured any one in anything, or shall have transgressed any article of peace or security, and the injury shall be shown to four of the aforesaid five and twenty barons, the four barons shall come to us, or to our justiciary if we shall be out of the kingdom, and making known to us the wrong committed, shall

petition us to cause it to be redressed without delay. And if we, or our justiciary if we be not in the kingdom, do not redress the wrong within the term of forty days, to be reckoned from the time when we were notified thereof, or when our justiciary was notified, if we were not within the kingdom, the aforesaid four barons shall lay the cause before the residue of the five and twenty barons; and they, the five and twenty barons, with the community of the whole land, shall harass and distress us in whatever ways they shall be able, by the capture of our castles, lands, and possessions, and by any other means they can, until the injury have been redressed according to their judgment: saving harmless our own person and the persons of our queen and children: and when the wrong hath been redressed, they shall behave to us as they have done before. And whoever of our land shall please, may swear that he will obey the commands of the aforesaid five and twenty barons in accomplishing all these aforesaid things, and that, together with them, he will harass us according to his power. And we do publicly and freely grant, to every man who chooses, leave to take this oath, nor will we ever forbid any man to take it. But all men of our land, who, of themselves and of their own choice, shall be unwilling to swear to the five and twenty barons to distress and harass us, together with them, we will compel by our command to swear as is aforesaid. And if any of the five and twenty barons shall die, or leave the country, or in any other way be hindered from the execution of the things aforesaid, then the rest of the aforesaid five and twenty barons shall, at their pleasure, choose another in his stead, who shall be sworn in the same manner as the rest. Now, in all the things which are intrusted to be executed by these five and twenty barons, if it happen that the five and twenty shall be present, and shall disagree concerning any matter; or if some of them, having been summoned, be unwilling or unable to attend, that which the greater part of those who may be present shall determine or decree, shall be held as firm and valid as if all the twenty-five had been agreed therein; and the aforesaid five and twenty men shall swear that they will faithfully observe all the aforesaid things, and to the utmost of their power cause them to be observed. And neither by ourself nor through another will we obtain anything from any man, through which any of these grants and liberties may be revoked or lessened. And if any such thing shall have been obtained, it

shall be null and void; and we will never use it, through ourself or through another.

62. And to all men we have fully remitted and pardoned all the ill wills, resentments, and rancors, which have arisen between us and our subjects, lay and clerical, from the commencement of our disagreement. Moreover, we have fully remitted, and so far as in us lies, have fully pardoned to all the clergy and laity, all transgressions, committed by occasion of the same disagreement, from the Easter of the sixteenth year of our reign to the conclusion of the peace. And further, we have caused testimonial letters patent to be made for them concerning this security and the aforesaid grants from the lord Stephen, archbishop of Canterbury, the lord Henry, archbishop of Dublin, and from Master Pandulph.

63. Wherefore we do will and firmly do command that the Church of England be free; and that all men in our kingdom have and hold all the aforesaid liberties, and rights, and grants, well and in peace, freely and quietly, fully and wholly, as aforesaid, to them and their heirs, from us and our heirs forever. It is also sworn, as well on our part as on that of the barons, that all the things aforesaid shall be observed in good faith and without evil intention. Witnessed by the above and many others. Given by our own hand, in the mead called Runnymede, between Windsor and Staines, this fifteenth day of June in the seventeenth year of our reign.



SEAL OF MAGNA CHARTA.

COVENANT OF SECURITY.

THIS is the covenant made between our lord John, king of England, on the one part, and Robert Fitzwalter, elected marshal of GOD and of the Holy Church in England, and Richard earl of Clare, Geoffrey earl of Essex and Gloucester, Roger Bigod earl of Norfolk and Suffolk, Saher earl of Winchester, Robert earl of Oxford, Henry earl of Hereford, and the barons underwritten: that is to say, William Marshall the younger Eustace de Vescy, William de Mowbray, John Fitz Robert, Robert de Mont-Begon, William de Lauvalay, and other earls and barons and freemen of the whole kingdom, on the other part: namely, That they, the earls and barons, and others before written, shall hold the custody of the city of London in bail from our lord the king; saving that they shall clearly render all the debts and revenues within the same to our lord the king, until the term of the Assumption of the Blessed Virgin Mary, in the seventeenth year of his reign.

And the lord of Canterbury shall hold, in like manner of bail, from our lord the king, the custody of the tower of London, to the aforesaid term: saving to the city of London its liberties and free customs, and taking his oath, in the keeping of the said tower, that our lord the king shall, in the meanwhile, not place a guard, or other forces, in the aforesaid city, nor in the tower of London.

And that, also, within the aforesaid term, the oaths to the twenty-five barons be tendered throughout all England, as it is tendered in the charter granted concerning the liberties and security of the kingdom, or to the attorneys of the twenty-five barons, as it is contained in the letters granted concerning the election of twelve knights for abolishing evil customs of the forests, and others. And moreover, within the said term, all the other demands which the earls, barons, and other freemen do ask of our lord the king, which he himself has declared to be granted to them, or which by the twenty-five barons, or by the

greater part of them, shall be judged proper to be granted, are to be given according to the tenor of the said charter. And if these things shall be done, or if our lord the king, on his part, shall agree to do them within the term limited, then the city and tower of London shall, at the same term, be delivered up to our lord the king; saving always to the aforesaid city its liberties and free customs, as it is before written. And if these things shall not be done, and if our lord the king shall not agree to do them within the period aforesaid, the barons shall hold the aforesaid city, and the lord archbishop the tower of London, until the aforesaid deed shall be completed. And in the meanwhile, all of both parts shall recover the castles, lands, and towns which have been taken in the beginning of the war that has arisen between our lord the king and the barons.

UNIV. OF
CALIFORNIA



INDEPENDENCE HALL, PHILADELPHIA.

CONSTITUTION

OF THE

UNITED STATES OF AMERICA.

WE THE PEOPLE OF THE UNITED STATES, IN ORDER TO FORM A MORE PERFECT UNION, ESTABLISH JUSTICE, INSURE DOMESTIC TRANQUILLITY, PROVIDE FOR THE COMMON DEFENCE, PROMOTE THE GENERAL WELFARE, AND SECURE THE BLESSINGS OF LIBERTY TO OURSELVES AND OUR POSTERITY, DO ORDAIN AND ESTABLISH THIS CONSTITUTION FOR THE UNITED STATES OF AMERICA.

ARTICLE I.

SECTION 1.

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION 2.

[1]The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

[2]No Person shall be a Representative who shall not have attained to the Age of twenty-five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

[3]Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined

by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

[4] When vacancies happen in the Representation from any state, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

[5] The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

Section 3.

[1] The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have one Vote.

[2] Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one-third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

[3] No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

[4] The Vice President of the United States shall be President

of the Senate, but shall have no Vote, unless they be equally divided.

[5]The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

[6]The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside. And no Person shall be convicted without the Concurrence of two thirds of the Members present.

[7]Judgment in Cases of Impeachment shall not extend further than to removal from Office, and Disqualification to hold and enjoy any Office of honour, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

Section 4.

[1]The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the places of chusing Senators.

[2]The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.

Section 5.

[1]Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

[2]Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.

[3]Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the

Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

[4]Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

Section 6.

[1]The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

[2]No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been encreased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in office.

Section 7.

[1]All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

[2]Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Jour-

nal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

[3]Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

Section 8.

The Congress shall have power

[1]To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

[2]To borrow Money on the credit of the United States;

[3]To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

[4]To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

[5]To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

[6]To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

[7]To establish Post Offices and post Roads;

[8]To promote the progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

[9]To constitute Tribunals inferior to the supreme Court;

[10]To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

[11]To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

[12] To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

[13] To provide and maintain a Navy;

[14] To make Rules for the Government and Regulation of the land and naval Forces;

[15] To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

[16] To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the Discipline prescribed by Congress;

[17] To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, Dock-Yards, and other needful Buildings;—And

[18] To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

Section 9.

[1] The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or Duty may be imposed on such Importation, not exceeding ten dollars for each Person.

[2] The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

[3] No Bill of Attainder or ex post facto Law shall be passed.

[4] No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.

[6]No Tax or Duty shall be laid on Articles exported from any State.

[6]No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another; nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

[7]No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

[8]No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

Section 10.

[1]No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

[2]No State shall, without the consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing its inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Control of the Congress.

[3]No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of Delay.

ARTICLE II.

Section 1.

[1]The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the

Term of four Years, and, together with the Vice President chosen for the same Term, be elected, as follows:--

[2] Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

[3] The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

[4] No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

[5] In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation, or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

[6] The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be encreased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

[7] Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation: —

"I do solemnly swear (or affirm) that I will faithfully execute "the Office of President of the United States, and will to the "best of my Ability, preserve, protect and defend the Constitu- "tion of the United States.

Section 2.

[1] The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several

States, when called into the actual Service of the United States; he may require the opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

[2] He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

[3] The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

Section 3.

He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the officers of the United States.

Section 4.

The President, Vice President, and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

ARTICLE III.

Section 1.

The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behavior, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

Section 2.

[1]The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers, and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State;—between Citizens of different States;—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

[2]In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be a Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

[3]The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

Section 3.

[1]Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Trea-

son unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

[2]The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

ARTICLE IV.

Section 1.

Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

Section 2.

[1]The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

[2]A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

[3]No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.

Section 3.

[1]New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

[2]The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

SECTION 4.

The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

ARTICLE V.

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year one thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

ARTICLE VI.

[1]All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

[2]This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

[3]The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

ARTICLE VII.

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

DONE in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty-seven and of the Independence of the United States of America the Twelfth. **In Witness** whereof We have hereunto subscribed our Names,

GEO WASHINGTON—
Presdt and deputy from Virginia.

NEW HAMPSHIRE.

JOHN LANGDON, NICHOLAS GILMAN.

MASSACHUSETTS.

NATHANIEL GORHAM, RUFUS KING.

CONNECTICUT.

WM. SAML. JOHNSON, ROGER SHERMAN.

NEW YORK.

ALEXANDER HAMILTON.

NEW JERSEY.

WIL: LIVINGSTON, DAVID BREARLEY,
WM. PATERSON, JONA. DAYTON.

PENNSYLVANIA.

B. FRANKLIN, THOMAS MIFFLIN,
ROBT. MORRIS, GEO: CLYMER,
THO: FITZSIMONS, JARED INGERSOLL,
JAMES WILSON, GOUV: MORRIS.

DELAWARE.

GEO: READ, GUNNING BEDFORD, JUN'R.
JOHN DICKINSON, RICHARD BASSETT,
JACO: BROOM.

MARYLAND.

JAMES M'HENRY, DAN OF ST. THOS. JENIFER.
DANL. CARROLL.

VIRGINIA.

JOHN BLAIR, JAS. MADISON, Jr.

NORTH CAROLINA.

WM. BLOUNT, RICH'D DOBBS SPAIGHT,
HU. WILLIAMSON.

SOUTH CAROLINA.

J. RUTLEDGE, CHARLES COTESWORTH PINCKNEY,
CHARLES PINCKNEY, PIERCE BUTLER.

GEORGIA.

WILLIAM FEW, ABR. BALDWIN.

Attest: WILLIAM JACKSON, *Secretary*

ARTICLES

IN ADDITION TO, AND AMENDMENT OF,

THE CONSTITUTION

OF THE

UNITED STATES OF AMERICA.

Proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth article of the original Constitution.

(ARTICLE I.)

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

(ARTICLE II.)

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

(ARTICLE III.)

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by Law.

(ARTICLE IV.)

The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

(ARTICLE V.)

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any Criminal Case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

(ARTICLE VI.)

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have Compulsory process for obtaining Witnesses in his favour, and to have the Assistance of Counsel for his defence.

(ARTICLE VII.)

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

(ARTICLE VIII.)

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

(ARTICLE IX.)

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

(ARTICLE X.)

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

(ARTICLE XI.)

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

(ARTICLE XII.)

The Electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;—The President of the Senate shall, in presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;—The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-

President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

(ARTICLE XIII.)

Section 1.

Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist in the United States, or any place subject to their jurisdiction.

Section 2.

Congress shall have power to enforce this article by appropriate legislation.

(ARTICLE XIV.)

Section 1.

All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2.

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which

the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

SECTION 3.

No person shall be a Senator, or representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each House, remove such disability.

SECTION 4.

The validity of the public debt of the United States authorized by law, including debts incurred for the payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States, nor any State, shall assume to pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims, shall be held illegal and void.

SECTION 5.

Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

(ARTICLE XV.)

SECTION 1.

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SECTION 2.

The Congress shall have power to enforce this article by appropriate legislation.

The following is prefixed to the first ten of the preceding amendments.*

* It may be proper here to state that twelve articles of amendment were proposed by the first Congress, of which but ten were ratified by the States — the

CONGRESS OF THE UNITED STATES.

Begun and held at the City of New York, on Wednesday, the fourth of March, one thousand seven hundred and eighty-nine.

The Conventions of a number of the States, having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the Government, will best insure the beneficent end of its institution;

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, two thirds of both Houses concurring, That the following Articles be proposed to the Legislatures of the several States, as amendments to the Constitution of the United States, all, or any of which articles, when ratified by three-fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution; viz.;

Articles in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States pursuant to the fifth article of the original Constitution.

The first ten amendments of the Constitution were ratified by the States, as follows, viz.:

By New Jersey, 20th November, 1789.
By Maryland, 19th December, 1789.
By North Carolina, 22d December, 1789.
By South Carolina, 19th January, 1790.
By New Hampshire, 25th January, 1790.
By Delaware, 28th January, 1790.
By Pennsylvania, 10th March, 1790.
By New York, 27th March, 1790.
By Rhode Island, 15th June, 1790.
By Vermont, 3 November, 1791.
By Virginia, 15 December, 1791.

first and second in order not having been ratified by the requisite number of States.

These two were as follows:

Article the first....After the first enumeration required by the first Article of the Constitution, there shall be one Representative for every thirty thousand, until the number shall amount to one hundred, after which, the proportion

The following is prefixed to the eleventh of the preceding amendments.

THIRD CONGRESS OF THE UNITED STATES:

At the first session, begun and held at the city of Philadelphia, in the State of Pennsylvania, on Monday the second of December, one thousand seven hundred and ninety-three.

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, two thirds of both Houses concurring, That the following Article be proposed to the Legislatures of the several States, as an amendment to the Constitution of the United States; which when ratified by three-fourths of the said Legislatures shall be valid as part of the said Constitution, viz.:

The following is prefixed to the twelfth of the preceding amendments:

EIGHTH CONGRESS OF THE UNITED STATES:

At the first session, begun and held at the city of Washington, in the Territory of Columbia, on Monday the seventeenth of October, one thousand eight hundred and three:

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, Two thirds of both Houses concurring, that in lieu of the third paragraph of the first section of the second article of the Constitution of the United States, the following be proposed as an amendment to the Constitution of the United States, which when ratified by three-fourths of the legislatures of the several states, shall be valid to all intents and purposes, as part of the said Constitution, to wit:

The first ten of the preceding amendments were proposed at the first session of the first Congress, of the United States, 25 September, 1789, and were finally ratified by the constitutional number of States, on the 15th day of December, 1791. The

shall be so regulated by Congress, that there shall not be less than one hundred Representatives, nor less than one Representative for every forty thousand persons, until the number of Representatives shall amount to two hundred, after which the proportion shall be so regulated by Congress, that there shall not be less than two hundred Representatives, nor more than one Representative for every fifty thousand persons.

Article second....No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened.

eleventh amendment was proposed at the first session of the third Congress, 5 March, 1794, and was declared in a message from the President of the United States to both houses of Congress, dated 8th January, 1798, to have been adopted by the constitutional number of States. The twelfth amendment was proposed at the first session of the eighth Congress, 12 December, 1803, and was adopted by the constitutional number of States in 1804, according to a public notice thereof by the Secretary of State, dated 25th September, of the same year.



FORT WARREN, BOSTON HARBOR.

AMERICAN BASTILE.

COLONEL LAMBDIN P. MILLIGAN.

LAMBDIN P. MILLIGAN is of Irish descent, and was born and raised in Belmont County, Ohio. His only opportunities for acquiring an education were enjoyed before he was eight years of age, at which time he could read well. At seventeen he evinced a great desire to have an education preparatory to the study of medicine. His father, proud of his attainments, promised to send him to college, but was compelled to forego so doing by the opposition of his wife, who insisted that no distinction should be made in the education of their children.

Subsequently he left home, regardless of the wishes and threats of his father, who declared that he would disinherit him if he did so. Without a dime in his pockets he began his career among strangers. Thrown upon his own resources, all the energies of his mind and body were exerted to obtain a livelihood, and to these efforts may be traced his after success.

He had previously abandoned the idea of studying medicine, and had chosen the profession of law, which he read with great earnestness, and mastered with facility. He stood at the head of a class of nine, examined by a committee of the Supreme Court of Ohio, consisting of Judges Goodnow, Kennon, and Cowan, Governor Shannon, Mr. Alexander, and Mr. Carroll. Of this class there are now living the Hon. Matthew Gaston, Cambridge, Ohio; Hon. Peter Saltman, St. Clairs-

ville, Ohio; and the Hon. Edwin M. Stanton, ex-Secretary of War.

A few years after, Colonel Milligan removed to Huntington, Indiana, where he still resides. For several years he suffered much from epilepsy and spinal meningitis, with paralysis of the lower limbs, during which time he was unable to practise at his profession.

In 1853, Colonel Milligan, having recovered his health, commenced the practice of his profession, and soon rose to the foremost rank at the bar. He is not a politician; but, in 1861, opposed with great energy every movement looking toward a collision between the North and South.

In 1863, he addressed a meeting at Plymouth, Indiana, and by his speech most conclusively demonstrated that the war had neither been begun nor prosecuted to preserve the Union. He referred to the antecedents of the party then in power, their oft-repeated declarations of hostility to the Constitution, and the many opportunities for a compromise, consistent with the integrity of the Union, which had been spurned, and the war continued for the purpose of breaking down the influence of the agricultural districts of the country, and elevating the moneyed and manufacturing interests, that the party in power might control the legislation of Congress.

Detectives having reported the speech, the Republican press soon teemed with denunciatory articles, charging him with treason. Early in 1864, Dr. Zumro, a special detective, was appointed to watch him. A part of the plan consisted in an arrangement to have the doctor arrested on some political charge, when he was to visit Colonel Milligan for counsel, gain his confidence, and learn his personal sentiments. In pursuance of this arrangement, a military officer was sent from a distant part of the State, and the arrest of Dr. Zumro made with great formality. This hireling sought the counsel of the Colonel, and employed him as attorney to defend him. The doctor, in his anxiety, played his part so poorly that he was detected, and the scheme failed.

On the 13th of August, in the same year, the Colonel addressed a large meeting at Fort Wayne. A detective, Mr. Bush, was sent from Cincinnati purposely to report his speech, which he did in a manner to please his employers. The speech was an able and eloquent one, and prophetically pictured the future, which time has demonstrated. The Administration, and particularly Governor Morton, who was then a candidate for re-election, were greatly incensed at it, and resolved on the destruction of its author. Shortly after this, Colonel Milligan was taken sick; erysipelas attacked his left leg. He lost the entire use of the limb, and was confined to bed. In this condition he remained for several days, his neighbors hourly expecting to hear of his death.

While thus confined, on the 5th of October, 1864, about 11 o'clock P. M., a train of cars stopped at his residence with a company of soldiers, under the command of Captain Case, who immediately surrounded his house, and arrested the Colonel without affidavit, warrant, or any form of authority. They kept the house guarded until four o'clock in the morning, when they carried him to the cars, the captain repeatedly giving orders to his men that, upon the first noise of any kind, they must shoot the prisoner. The train conveying the prisoner arrived at Indianapolis, a distance of a hundred miles, about 3 o'clock P. M., where an infuriated mob of thousands thronged the streets, uttering threats and imprecations. Here he was transferred to an ambulance, and taken to General Hovey's headquarters, where he demanded to be liberated on bail, offering to answer any charges that might be brought against him. This request was denied, and he was told that he had "no rights which a loyal citizen was bound to respect." Thence he was taken to the post commander's headquarters, who had received a telegram from an evil-disposed person, to the effect that the prisoner was not sick, but merely pretending to be so.

The post-commander, Colonel Warner, burning with rage, denounced the prisoner in a coarse, vulgar, and even brutal manner; avowing that no quarter should be shown him.

Colonel Milligan replied to this tirade of abuse, saying: "It is easy to make charges, but sometimes difficult to prove them." Colonel Warner told him that he would have to prove himself innocent, but that no Copperhead evidence would be taken.

He was then taken to one of the temporary hospitals, and placed in an open shed. It was now 5 o'clock P. M. The Colonel, who had had no refreshments of any kind for twenty four hours, was then furnished with some cold pork and hardtack, which he could not eat, and from exhaustion soon fell asleep. When he awoke he found himself literally covered with vermin. The next day, workmen commenced building a house around and over him, causing noise enough to distract a sick man whose nerves were already shattered by the suffering he had endured. The sawdust and chips from the work fell upon him, and in his bed, making his situation miserable.

He remained confined in this place for ten days, surrounded by thousands of drunken soldiers, who had come home on furlough to vote for Governor Morton at the approaching election. Some of these miscreants manifested their loyalty by insulting him, pointing their guns at, and threatening to shoot him. "Loyal" citizens visited him to get a sight of their victim, and rejoice over their diabolical work. From this shed he was carried to a prison in the Federal court building, and placed in a room with a wretch, who, to save his own neck, had consented to play the spy upon him.

He remained here until he, together with Colonel Wm. A. Bowles, Stephen Horsey, Andrew Humphrey, and Horace Heffner, was put upon trial, on the following charges, to all of which he pleaded *not guilty.* The charges and specifications are too long to insert here *in extenso.* We give them in an abridged form, as contained in Wallace's United States Supreme Court Reports, page 6, vol. iv. (This case is fully reported in the above volume, covering 140 pages, and is one of the most important ever decided in this country.) From Wallace's Reports, we quote:

"Lambdin P. Milligan, a citizen of the United States, and a resident and citizen of the State of Indiana, was arrested on the 5th day of October, 1864, at his home in the said State, by the order of Brevet Major-General Hovey, military commandant of the District of Indiana; and, by the same authority, confined in a military prison at or near Indianapolis, the capital of the State. On the 21st of the same month, he was placed on trial before a 'military commission,' convened at Indianapolis, by order of the said general, upon the following charges, preferred by Major Burnett, Judge Advocate of the Northwestern Military Department, namely:

"1*st*. 'Conspiring against the Government of the United States.'

"2*d*. 'Affording aid and comfort to rebels against the authority of the United States.'

"3*d*. 'Inciting insurrection.'

"4*th*. 'Disloyal practices;' and

"5*th*. 'Violation of the laws of war.'

"Under each of these charges there were various specifications. The substance of them was joining and aiding, at different times between October, 1863, and August, 1864, a secret society known as the 'Order of American Knights,' or 'Sons of Liberty,' for the purpose of overthrowing the Government and duly constituted authorities of the United States; holding communication with the enemy; conspiring to seize munitions of war stored in the arsenals; to liberate prisoners of war, etc.; resisting the draft, etc., . . . 'at a period of war and armed rebellion against the authority of the United States, at or near Indianapolis,' (and various other places specified,) 'in Indiana, a State within the military lines of the army of the United States, and the theatre of military operations, and which had been and was constantly threatened to be invaded by the enemy.'" These were amplified and stated in various forms.

We proceed with the trial.

The commission which had been organized to try H. H. Dodge, Esq., was directed to try these charges; but, by the

interposition of some influential persons who were anxious for conviction, it was subsequently reorganized. Inducements were held out to men who signified their willingness to convict in advance. The commission was enlarged. Stephens, Bennett, Williams, and Heath were added to it. Nothing now was required but the formalities of a mock trial. Conviction was sure. The chamber where the commission sat was close to the prison, and, night after night, it was made hideous by the army officers, who declared fidelity to the murderous adventure. The prisoners frequently heard the members of the commission declare their intention to hang them. Preferring the court to the camp, they were neither sparing of their pledges to convict, nor chaste in their terms of denunciation. The members of the commission were as obsequious to their employers as they were vulgar and insolent to the prisoners and their counsel. The Judge Advocate was Henry L. Burnett, whose talents and courage manifested themselves in acts of impudence and tyranny.

An objection, raised by Colonel Milligan, as to the authority of the commission to try him, was overruled.

The trial commenced with much pomp. Witnesses were hired, suborned, or intimidated. Testimony was manufactured to the morbid relish of an excited public. Reporters were called and sworn. False and exaggerated rumors were accepted as evidence. Public excitement ran high, and clamor grew louder and louder. Lawlessness assumed form. Thick clouds of terror gathered along the horizon, and, rising higher and higher, now towered to the zenith — their folds livid with blood. Friends, with few exceptions, retired with pallid cheeks. Heffner sank a victim to his fears, took the witness stand, and swore as men swear with a halter around their necks. Colonel M. remained firm and collected during this trying ordeal, and exhorted his counsel to be true and steadfast, regardless of the consequences.

About the time of the trial he was removed from the Federal court building, to the Soldiers' Home prison. He was forced to walk the distance, over a mile, upon a crutch, and,

never having tried to walk on one before, the effort was too much for him. It paralyzed his arm, and threw him into a fever, from which he did not recover for several days. In this prison he was put into a small cell, near a pork-house and hog-yard, and the stench emitted from these, together with the squealing of the hogs not yet slaughtered, com bined to render the place horrible. The prison had been planked up with rough, green plank, placed perpendicularly, the joints of which remained unbroken. These had shrunk until the cracks were a full inch wide.

The weather was extremely cold, and through these cracks the chill winds of winter whistled in bitter mockery on the half-starved and scantily clothed inmates. These crevices remained open for more than two weeks after the Colonel occupied the cell. There were four persons in the cell with him, but it had been occupied by a much larger number, and was as filthy as it could possibly be.

On some occasions when the rations were served, the Colonel could not get to the cubby-hole as quickly as the servant thought he ought, and for that reason threw his rations into the filth on the floor. The prison had a hall in the centre, and a row of cells on each side. At the south end of the hall was a large room as wide as the hall and both rows of cells combined. In this room more than three hundred per sons were crowded, rendering the atmosphere suffocating and sickening. There was one general roof over the whole building. The attic remained undivided, and was occupied by the guard; and as the cells were merely covered with lattice-work, upon which they patrolled, the whole upper part of the building was in communication with the lower part. When the south wind blew, pestilential exhalations from the large room filled every cell. None of the occupants could remedy this, because the room was so crowded that filth was unavoidable.

In the hall opposite the cell occupied by the Colonel was a trap-door, which led to the coal-hole, an excavation ten feet deep, without light or ventilation. This was a place of pun-

ishment for refractory soldiers, citizens, bounty-jumpers, and drunken men. The innocent and the guilty were alike its occupants. Any one who fell under the ban of the commandant, or his subordinates, was consigned to that horrible place. Some were taken out alive and survived, others were taken to the hospital to die, while a few died in it. An ex-speaker of the Indiana House of Representatives, named Tarboth, was placed in this modern "black-hole" at 10 o'clock P.M., and taken out at 9 A.M., the following morning, death-stricken. In two days afterward his funeral was noticed in the papers.

The hall in this prison was made hideous with the groans of the victims of cruelty, who had been strung up with a hand-cord round the wrists, until their agonies were more than humanity could silently endure.

We give one instance where a poor Irishman, who hailed from Kendallville, Indiana, was subjected to this inquisitorial torture. He was found on the streets dressed in blue, was seized, brought before Colonel Warner, who directed that he be *swung up one half-hour, then put in the coal-hole an hour*, and this treatment alternated until he would tell to what regiment he belonged. Sergeant Wm. Williams had charge of him. He inquired of him to what regiment he belonged. He said he "did not belong to any regiment, that he had enlisted at Kendallville, as a substitute for a drafted man, whose name he gave, and that he had been directed to report at Camp Carrington, and that he had not yet been assigned to any regiment."

This answer, although not doubted, was not the answer that Colonel Warner had directed him to exact, and the sergeant could not release him. The poor victim begged the sergeant to report his answer to Colonel Warner, but he replied that the colonel had gone to bed, and his orders were to continue the punishment until he answered to what regiment he belonged. This cruelty was inflicted throughout the entire night and until 10 o'clock A. M., the following day, when the colonel ordered its suspension.

This poor fellow lost the use of both hands. Of all the punishment inflicted on Colonel Milligan, as he afterward remarked, none was so severe as the agonizing wails of the poor victims, who were punished, in many instances, to gratify the caprice of the commander of the post.

The Colonel was found guilty on all the charges, and sentenced *to suffer death by hanging.*

The commission became intoxicated, and published their sentence the same night he was found guilty, but it created little sensation, as the public had been anticipating it. The Colonel remained in the situation we have described, speculating much as to the final result, until the assassination of Mr. Lincoln, when the public clamored loudly for blood. Heavy irons were placed on the prisoners, the guards were doubled, and relieved each other with imposing formality. This continued until the 8th of May, when the sentence was approved by President Johnson. He was ordered to be executed on Friday, the 19th of the same month, between 12 and 3 o'clock. On the 10th, Milligan filed his petition in the Circuit Court of the United States for the District of Indiana. Nothing further occurred until the 18th, when an order was read to him respiting his execution until the 2d of June, and then it was stated that no further interference with the sentence would take place. The friends of Colonel Milligan exhausted their arguments in endeavoring to persuade him to write to the President for a pardon. But all of no avail. For two weeks he remained in confinement awaiting his doom, passing many otherwise lonely hours but for the company of his little son, twelve years of age, who remained with him.

Of his fellow-prisoners, Horsey was humble and Bowles was old. A victim was demanded, and Colonel Milligan was selected. The Indiana delegation in Congress had filed a protest against the interference of the President with the sentence of the court martial. Radical papers in and out of the State, with a few honorable exceptions, teemed with vituperation at the delay. Letter-writers and stump speakers

were imperious in their demands. Pulpit and bar-room orators were eloquent in their appeals for the sacrifice. The populace clamored more and more for blood. Friends who attempted to petition were marked and forced to desist. Jealousy and hate revelled in the anticipated carnival, until friends and foes looked upon the tragedy as a fixed fact. Now retaliation was assuming form, though repressed by prudent counsels. It was seething and surging and growing into an almost irresistible fury, when Governor Morton, knowing that he was the cause of the outrage, and would be held *personally* responsible, instituted extraordinary measures to counteract his own work.

The Governor commissioned Hon. J. W. Pettit to visit the President and protest, in the name of the State, against the execution of the sentence. At 9 o'clock P. M., on the 1st of June, the Colonel was informed that his sentence had been commuted to imprisonment for life, at hard labor, in the Ohio penitentiary. It was a sad night for him. He knew the fate that awaited him when placed in the custody of those who were selected for their cruelty, each of whom felt that he constituted an important portion of the commonwealth, and to him belonged the honor of his conviction. The Colonel had fully weighed the matter, and preferred that the sentence of death should be executed than that he should suffer imprisonment for life. In the event of their execution of the sentence, he had prepared a number of written instructions for the conduct of a suit, under the laws of the State, for his imprisonment and murder; and, with the skill of a profound practitioner, had written in a clear, smooth hand, as if in his study, an address to be read by himself, on the scaffold, to the people.

In this gloomy, forbidding cell, he had been immured from December to June; and now, the weather being warm, the want of ventilation, together with inhaling the fetid air, which at times sickened him to faintness, caused his health to become so affected that he was reduced to a mere skeleton. During this time he had not seen the light of day, except

when taken before the commission; and to all human appearances, he was within a few hours of that night that knows no morning. It was day without light; night without hope

> "Here no dear glimpse of the sun's lovely face
> Strikes through the solid darkness of the place;
> No dawning morn does her kind red display—
> One slight, weak beam would here be thought the day;
> No gentle stars, with their fair gems of light,
> Offend the tyrannous and unquestion'd night."

When the news of the order for commutation was circulated, it was currently reported that General Hovey would disregard it and have the sentence executed. Much excitement prevailed in the city. Colonel Gardiner, who was in command of the post, to prevent a collision, set out with Colonel Milligan and his companions, in the morning, before it was fairly light, under a strong guard, to the penitentiary.

Here the Colonel and his fellow-prisoners were placed under the control of a modern Simon, as cruel a wretch as ever inflicted punishment on man or brute. The felon's garb was put upon them, and the Colonel placed in a room over an oven, in which files were tempered in liquid lead. The exhalations from the smouldering charcoal were diffused throughout this room, and made it notoriously unhealthy. Every one who had occupied it for any length of time had lost his life. The Colonel could not endure it long. He was taken sick and conveyed to the hospital, where he remained many days very ill. During the first two weeks of his confinement here, and while he was able to work, almost every fine evening he was exhibited to curious visitors.

This prison is constructed of heavy masonry, with a building within of the same material, upon which the sun never shines. The inner building is situated in the centre of the prison, with a hall on each side. It is divided into cells, of which there are five tiers. The cells are about three feet wide, six and a half long, and six feet high. They all open into this closed hall. The second cell, occupied by the Colonel, was on the ground-floor on the north side, and so damp

that the straw in his bed would not rattle, and the hay in his pillow was equally as bad. A thousand men were confined in these cells, all breathing the air that circulated in the halls, and which was poisoned by the noxious exhalations of men afflicted with all kinds of diseases. While confined in this prison, Colonel Milligan contracted a cold, from the effects of which he became deaf and lost the sense of smell. He was so bad that he could neither hear the ringing of bells nor smell assafœtida.

The most disgusting part of this prison was the dining-room. The prisoners were frequently fed on hash for breakfast. This was made by taking the refuse scraps of meat, and putting them, together with onions and potatoes, in a large mill, and grinding them into hash. This mash was then placed on a table, where it was allowed to remain over night, food for the rats that swarmed the prison. To this room the prisoners were taken for breakfast, when they found the food covered with flies and vermin. The room being poorly ventilated, the stench arising from this semi-putrid meat was almost intolerable, and many of the prisoners turned away from the loathsome mass, unable, even with the cravings of hunger, to endure it.

After Colonel Milligan's sentence had been approved, and ordered to be carried into execution, he, through his counsel, sued out a writ of *habeas corpus*. General Hovey declared he would disregard it. The judges of the Circuit Court of Indiana were divided, and the case was certified to the Supreme Court of the United States *in banco*. After he had suffered several months of imprisonment, and the time for hearing his case was approaching, endeavors were made by some parties to stay the proceedings, as his case was the only one before the court embodying the legality of a "military commission" to try a civilian where the civil courts were unobstructed and in full force. Numerous persons, alleging that they had been to Washington, and knew the state of feeling pervading society, endeavored to persuade him to withdraw the suit from the Supreme Court, and no difficulty

would be experienced in getting a pardon from the President. To all such offers he answered emphatically, "No."

Colonel Milligan had not forgotten the reply of the President to his counsel, Mr. Coffroth, when the latter asked a commutation or a respite of the sentence, until the case could be heard in the Supreme Court, to wit: "*What! the very fact of the prisoner resorting to the court upon a technical question of jurisdiction is a confession of his guilt,*" and, assigning that as his reason, refused the application. About the time the court was expected to decide the case, a member of the Ohio Legislature sought, through the warden, an introduction to the Colonel. He assured the prisoner that the court would sustain the authority of the "military commission;" that the war was then over, and with it had passed away all that animosity of feeling engendered by it; that it was the desire of the party in power to obliterate all remembrances of the difference of opinion, as far as possible; that the Administration desired to grant a full and free pardon to all; but that this could not be done without the Administration should first be solicited to do so, and especially while Colonel Milligan was pressing his claim before the court; that a ruling in his favor would be not only a direct condemnation of the whole policy of the President, but of the Government; that the peace of the country required that "bygones should be bygones," and that all had suffered excitement to engender feelings that had better be forgotten. Colonel Bowles, who was sick and suffering from the experiments of an ignorant empiric, and was very weak, both physically and mentally, yielded to the importunities which environed him, and gave an order to dismiss his case, but his counsel disregarded his instructions.

At length the case came up for argument in the Supreme Court of the United States.

Mr. J. D. McDonald, Mr. J. S. Black, Mr. J. E. Garfield, and Mr. David Dudley Field, of counsel for the petitioner Lambdin P. Milligan.

Mr. Speed, Attorney-General United States; Mr. Stanberry

and Mr. B. F. Butler, special counsel of the United States contra.

The case was most ably and elaborately argued on both sides. The argument of the Hon. J. S. Black was one of the most able, eloquent, and erudite forensic efforts that has been made in this or any other country. Mr. JUSTICE DAVIS delivered the opinion of the court. Among the fourteen points enumerated in the syllabus of the case as decided, were:

1*st.* "Military commissions, organized during the late civil war, in a state not invaded and not engaged in rebellion, in which the Federal courts were open, and in the proper and unobstructed exercise of their judicial functions, had no jurisdiction to try, convict, or sentence, for any criminal offence, a citizen who was neither a resident of a rebellious State, nor a prisoner of war, nor a person not in the military or naval service."

And Congress could not invest them with any such power.

2*d.* "The guarantee of trial by jury, contained in the Constitution, was intended for a state of war as well as a state of peace, and is equally binding upon rulers and people, at all times and under all circumstances."

3*d.* "The Federal authority having been unopposed in the State of Indiana, and the Federal courts open for the trial of offences and the redress of grievances, the usages of war could not, under the Constitution, afford any sanction for the trial there of a citizen in civil life, not connected with the military or naval service, by a military tribunal, or for any offence whatever."

4*th.* "Neither the President, nor Congress, nor the Judiciary can disturb any one of the safeguards of civil liberty incorporated into the Constitution, except so far as the right is given to suspend, in certain cases, the privilege of the writ of *habeas corpus.*"

5*th.* "A citizen, not connected with the military service, and resident in a State where the courts are all open, and in the proper exercise of their jurisdiction, cannot, even when the privilege of the writ of *habeas corpus* is suspended, be

tried, convicted, or sentenced otherwise than by the ordinary courts of law."

6*th*. "Suspension of the privilege of the writ of *habeas corpus* does not suspend the writ itself. The writ issues, as a matter of course, and, on its return, the court decides whether the applicant is denied the right of proceeding any further."

7*th*. "A person who is a resident of a loyal State, where he was arrested, who was never a resident in any State engaged in rebellion, nor connected with the military or naval service, cannot be regarded as a prisoner of war."

This decision struck the shackles from Colonel Milligan, and *he was free* — free from the grasp of tyrants — free from arbitrary power — free from fiendish sycophants.

MARY E. SURRATT.

In this connection, while it is fresh in the minds of the people, we briefly refer — as it does not properly enter into the subject of our history — to the arrest, trial, and execution of Mary E. Surratt, of the city of Washington, and the Federal capital of the United States, by a military commission. This lady was regarded as one of the accomplices of the conspirators who assassinated President Lincoln. She was arrested and tried by a military commission, composed as follows, under the following orders:

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
May 9th, 1865.

Special Orders, No. 216.

Par. 91.—The commission will be composed as follows:

Major-Gen. David Hunter, U. S. Volunteers.
Major-Gen. Lewis Wallace, U. S. Volunteers.
Brevet Major-Gen. August V. Kautz, U. S. Volunteers.
Brig.-Gen. Albion P. Howe, U. S. Volunteers.
Brig.-Gen. Robt. S. Foster, U. S. Volunteers.
Brevet Brig.-Gen. Jas. A. Ekin, U. S. Volunteers.

Brig.-Gen. T. M. Harris, U. S. Volunteers.
Brevet Col. C. H. Tomkins, U. S. Army.
Lieut.-Col. David R. Clendenin, Eighth Illinois Cavalry.
Brig.-Gen. Jos. Holt, Judge Advocate.

By order of the President of the United States.
(Signed) E. D. TOWNSEND,
Assistant Adjutant General.

The trial, conviction and execution of Mrs. Surratt by a military commission were regarded by lawyers generally, and the people who were not prejudiced by partisan feelings, as illegal and wrong, and the evidence adduced as insufficient to convict her of actual participation in the crime. Popular opinion was opposed to her execution, and since the decision of the Supreme Court of the United States in the Milligan case has been announced, the public sentiment of those entitled to respect is unanimous in the belief that her execution was a political as well as extra-judicial murder.

Her execution is a foul blot in American history, and will always remain a stigma upon the character of those who were instrumental in accomplishing the work.

Colonel Bowles reflected severely on Colonel Milligan for refusing to agree to a dismissal of the case. The Colonel replied that he "spurned the President's pardon, and that he was not a fit subject for a pardon, that he had done nothing that he would not do again, and that the President should ask *his* pardon for the violation of law by approving a false finding of an illegal body."

Though suffering from disease and confinement in a loathsome, pestilential hospital, overworked, and now fed on bread and meat with a decoction called coffee, sweetened with sorghum molasses, and shut out from the world, he boldly battled for his rights, and held before that august tribunal a question which involved the liberties of millions of people.

Upon receiving information of the decision of the court denying the jurisdiction of the military commission to try

civilians—a decision that enthroned the law and snatched the sceptre from the grasp of the mailed tyrant of military despotism, and brought gladness to the numerous friends of constitutional liberty—the Colonel wrote a note to the warden, calling attention to the fact, and requesting him to inform himself of his duty, and that his duty and the Colonel's wishes tended in the same direction. He then sent for a friend to learn the name of a notary, and also what judge was accessible. Before the notary arrived, Mr. Coffroth reached the city, and had a writ of *habeas corpus* sued out and the Colonel discharged, *after an imprisonment of eighteen months*. It was now evening. Mr. Coffroth also had a writ sued out for Colonel Bowles and Mr. Horsey, but, before it could be served, an order came from the President directing the warden to discharge all the prisoners.

After receiving many friends at the Neil House, during the evening and the next morning, he started at noon, April 12th, 1866, for home, without any intimation of the joyful reception that awaited him, which we copy from the papers of the day.

"The return of Colonel L. P. Milligan to his home, on last Thursday morning, was the occasion of a demonstration, on the part of his friends and neighbors, to which all history furnishes but one parallel, that is, the ovation of welcome which greeted the immortal Demosthenes upon his return to Piræus, from his exile at Megara. As the great Athenian was received, upon his arrival in that city, by its magistrates and dignitaries and citizens, so was our illustrious fellow-citizen received by the Mayor, the Common Council, and all the citizens, with the utmost manifestation of affection and joy, blended with sorrow and indignation at the flagitious wrongs and cruel persecution to which he had been subjected during the last eighteen months. Colonel Milligan was released, as we stated last week, upon a writ of *habeas corpus* sued out by his attorney, Hon. J. R. Coffroth, who had gone to Columbus for that purpose. He was set at liberty on the afternoon of last Tuesday, and on the evening of that day we received a

message to that effect. We issued an *extra* immediately which was distributed the next day; but far in advance of the *extra*, the gratifying news spread, as on the wings of the wind, in all directions, and occasioned universal joy. On Wednesday evening, a party of gentlemen, who had been chosen by Colonel Milligan last May to receive his remains in the event of his execution, went to Peru for the purpose of escorting him home. This party consisted of Messrs. Charles H. Lewis, John Roche, Samuel F. Day, John Zeigler, and Rev. R. A. Curran. Mr. Geo. R. Corlew was also of the party, but he had accompanied Mr. Coffroth to Columbus. Messrs. Milligan, Coffroth, and Corlew arrived at Peru at a late hour, on Wednesday night: notwithstanding this, cannon were fired and other demonstrations of joy made. Despotism had succumbed to Constitutional Law, and its victim was free! There was cause for rejoicing.

"Thursday morning, at Huntington, was ushered in by the roar of cannon, and at a very early hour the people began to flock in from every direction, to welcome their distinguished fellow-citizen to his old home. Every adjacent county was duly represented in this grand spontaneous ovation. Every point where the intelligence had reached that Colonel M. would be home 'on Thursday' was represented, and all were burning with a desire to see him, to welcome him, and to assure him of their sympathy and friendship. The train from the west, conveying the party, moved up to the station amid the waving of handkerchiefs and hats, the wildest acclamation of the immense concourse, the music of the brass bands, and the loud thunder of cannon. The appearance of the tall and dignified form of Colonel M. on the platform was greeted with a fresh burst of enthusiasm, and a simultaneous movement of the throng was made to grasp him by the hand. When his manly, graceful, but emaciated form, upon whose features it appeared that every 'god had set his seal to give assurance of a *man*,' became recognized, as it was by all who had met him before, and instinctively by those who had not, there would have been a cheer that would

have made the welkin ring, but the hearts of all were too full to give utterance to any voice, either of joy or sorrow. Mr. Coffroth formally introduced Colonel Milligan in a few neat and appropriate remarks.

"Hon. Wm. C. Kocher, Mayor, surrounded by the Common Council, and in behalf of the town, then delivered a beautiful and impressive address of welcome. He said:

"'COLONEL MILLIGAN: In behalf of your fellow-citizens of Huntington, and I may say in behalf of this large assembly of people collected together from the surrounding country, I bid you a welcome once more to your home, to mingle with your family and these people, who have so long and so well known you, and who have long since looked upon you as a man of eminent legal ability, a statesman, and one who has ever been true to the Constitution and laws of the country. On the 5th of October, 1864, while at home, surrounded by the family you loved, lying prostrate upon a bed of affliction, at the dark hour of midnight you were ruthlessly dragged away from family and friends, and conveyed to a political Bastile, where you were confined for months, without any accusation made against you. Charges were then preferred for what? Treason! Treason to what? Treason not against the Government, but that you did not support the Administration, whose principles were not in accordance with the plain and broad teachings of the Constitution of your country. Tried by a mock court, principally composed of drunkards—men who were not familiar with the first principles of law—you were condemned to be hanged until you were dead—dead! Through the influence of friends your sentence was commuted to imprisonment for life. You were conveyed in irons to the Ohio penitentiary, where for a long time you occupied a cell dedicated alone to felons. Your case was brought before the Supreme Court of the United States. After long and laborious arguments of the most eminent counsel of the country, a *Republican* court decided that you had been illegally condemned and sentenced.

"'To-day, your fellow-citizens at home, and all good citizens

throughout the land, look upon your arrest and imprisonment as an outrage upon American liberty, a dark spot upon the pages of American history. You come home to-day honored and beloved. You come to enjoy the society of friends and neighbors. You come home to obey the Constitution and laws, as you have done during your entire life. This large assembly of your fellow-citizens bears me witness of the fact. While they look upon you to-day, their hearts are filled with emotions of joy, that you are once more among them, enjoying your liberty, and the society of family and friends.

"'They know that your actions and your sentiments in the past will be a guarantee for the future. Therefore they know you, they trust you. In their behalf, again I say, thrice welcome, Colonel Milligan.'

"Colonel Milligan's response was particularly happy. Though his voice was weak, and the occasion one requiring much self-control, yet he did infinite credit to himself in all respects. He responded as follows:

"'Mr. Mayor: Friends and neighbors, and such I know you are, did my sense of propriety call for an extended response to so imposing a reception, I have neither the physical nor mental ability to give it; but, overcome by the spontaneous enthusiasm of the occasion, the acclamations of gladness that greet me, the tears of joy that flow from the thousands around me fill my bosom with emotions that have no utterance, and I can only thank you for so proud a testimonial. I prize it because it comes from *you*, my neighbors, with whom I have spent the best energies of my life, and from whom I never concealed the most secret aspirations of my heart. I value it more because it is not the addled pageant of a giddy multitude tendered to a great name, whose success may have lent dignity to crime; but it is the untutored expression of your conviction that I never wronged my country or my fellow-man; nor did those who clamored loudest for my oppression ever suspect me of any wrong. I thank you, and accept it as an approval of my life as a citi-

zen and neighbor, and a proof that it is not the acts or words of others that can degrade a man, but that each must stand upon the basis of his own manhood.

"'What revolutions in government or society have intervened since my seclusion I know not; but I am, and always have been, opposed to revolutions, believing that seldom, if ever, have their fruits equalled their cost in treasure, blood, and moral retrogression. I thank you, friends and neighbors, for this glowing tribute of esteem, and I would be the more happy recipient of it if I was sure that, through the ordeal which I have just passed, my deportment was worthy of so flattering a token. Your kindness has imposed upon me obligations that I will never be able to discharge, and must remain unrequited; but to live among you, and commingling, as heretofore, our efforts for the promotion of the interests of our country and the happiness of our race, is the highest ambition of my heart. My friends, I must leave you. There is one I have not yet seen, who has wept most for my misfortunes, but, I hope and trust, will never have occasion to blush for any act of mine, and whose claims to my presence I cannot resist. Thanking you again, please excuse any further remarks.'

"Colonel Milligan then retired. A carriage was in waiting, in which were seated the committee above named, who had been appointed by the Colonel to bring home his remains. They escorted him to his residence, about a mile from the court-house, followed by hundreds. There was a perfect jam at his house from that until late at night. In the streets, from his residence to the great meeting, there was a grand double procession marching and counter-marching.

"The public meeting was kept up all the afternoon, and until late in the evening. Speeches were made by distinguished men from all parts of the country, who had assembled to welcome the Colonel to his home. Resolutions of respect and sympathy were passed, and his house was thronged for many days with persons offering testimonials of respect."

REV. K. J. STEWART.

A CONSTITUTION may be set aside by the political necessities of men in power; houses and towns may be destroyed under military necessity, and vested rights may be disregarded by men who seek to gain or maintain empire for the public good. But no cause can ultimately succeed, whose leaders openly disregard the rights of the Church, and trample upon the persons of innocent and helpless men, women, and children, whose only fault is that they cannot agree with them in devastating homes and subverting their government.

Men, therefore, who were loyal to the United States Government during the war, but at the same time desired to be loyal to the great interests of religion, and to the interests of our common humanity, must be vexed, if not fearful of divine retribution, as they discover, if such persons can ever venture to read, what history must reveal.

In the fall of 1861, the first year of the war, Rev. K. J. Stewart, a clergyman of St. Paul's Episcopal Church, Alexandria, Va., was rudely interrupted while at the altar of the church, on the Lord's day, and in the act of offering up prayers for all Christian rulers and magistrates, by a detail of armed men, under the command of a captain, lieutenant, and sergeant, by the direct authority of the Government of the United States, under circumstances of peculiar sacrilege, tyranny, and shame. The alleged ground of the arrest was that he refused to pray for the President of the United States. The true object was to intimidate and compel the clergy of the Border States to withdraw the support and consolation of the Christian religion from a stricken people, who

fled to it as their only hope, and who used it to strengthen themselves to great endurance.

It will be seen that the whole matter was planned at Washington, by the head of the State Department; that it was executed by agents selected with reference to the moral degradation of the work, and that it was done deliberately; that the Government refused to repudiate the act, and that the time, mode, and sequel were a refinement upon the atrocities perpetrated on religion in the reign of the bloody Mary.

Nor has any apology ever been made, or any reparation offered. A quiet and peaceful minister of the Gospel was arrested without cause, condemned without trial, his church closed, and subsequently polluted and ruined — the people scattered and shut out from public worship, and he driven forth a homeless wanderer. And all this without the shadow of military necessity or political obstruction. For the clergyman had not refused to use the forms of prayer prescribed in any and all places where he sojourned; and the people had been so often arrested in their beds at night, that they were as a flock of timid sheep, unarmed, and incapable of resistance, who crowded together in their fold, the temple of God, to worship Him and seek protection from those who, with a refinement of cruelty, came upon them almost every night, burned their houses, and took away to prison men, women, and children.

It was indeed a reign of terror. No man was safe, no place, or sanctuary, or conduct was secure. Laws were set aside; rank, character, and religious principles only invited ridicule, insult, or hatred. Few found themselves so secure as to be safe in asking justice for a fellow-citizen, and none thought of mercy to the imprudent.

It was one of those solemn occasions when even the most hardened men are subdued. The priest was about celebrating the supper of our blessed Lord — the silent but eloquent emblems of love were upon the altar. In order to avoid any embarrassment or misunderstanding in the conduct of the services, the priest had written to the Department

and explained his exact position, (he was personally known to more than one of the heads of the Departments.)

The gentlemanly officer in charge as military governor of the district had been invited to be present and inspect the services, which he reported to the Government as unexceptionable, except in the private feelings of the people and the non-committal nature of the prayers.

The priest had taken the additional precaution to explain from the desk, that while the prayer appointed to be used for the President of the Confederate States was voluntarily omitted, being an American citizen, he could not allow the State to dictate to the Church what petition should be asked of the Great King. That it would be better to die than to allow the Church to be used as a political tool.

In order to avoid the possibility of mistake, an old sermon had been preached; but it alluded to the historical fact that all our most precious things were "blood-bought," as was that salvation now about to be commemorated. But while these people were thus seeking strength in and from our blessed Lord, in their eucharistic feast, that they might the more constantly subdue their excited passions and yield due obedience to the stern powers that were over them, two emissaries of that very Government were engaged in noting down from the distant galleries such words as might justify meditated outrage.

Captain. "*All precious things are 'blood-bought;' that means that freedom is blood-bought; it means the Magna Charta is blood-bought; it is aimed at the President's proclamation. Write it down as treason. Damn the priests! I intend to make them preach and pray my way. We'll see which has the longest sword, their master, or ours!*"

Government agent. "*If I break this fellow down, all the rest will cave in.*"

It was then arranged that they should return and report to the head of the State Department at Washington; that they should come back to church on the next Sunday; that the most desperate characters should be selected, armed.

and brought to church; and that in the midst of public worship this armed band should surround the minister while in the very act of presenting the request of the people to his God, and, by presenting sabres and revolvers at his breast, they would compel him to say such prayers as they should dictate.

This was carried out to a fuller extent than they contemplated. The high official who had authority from the State Department to set aside all laws, and arrest any one, even the general in command, stood before the altar of God and demanded of his ambassador to pervert the power of religion to the purposes of political jurisprudence, and pray at his dictation. The officers and men formed around the altar The minister calmly continued:

"*From all evil and mischief; from all sedition, privy conspiracy—*

The people. "*Good Lord, deliver us.*"

Minister. "*Bless all Christian rulers and magistrates, and give them grace to execute justice and maintain truth.*"

Government officer. "*You are a traitor! in the name and by the authority of the President of the United States, I arrest you!*"

The minister, finding, in the indescribable confusion which had ensued, that his friends were likely to become involved in trouble, (for men, whose ideas of religious toleration were American, were becoming mad by oppression,) slowly arose, (but not until an officer had wrested the holy book from his hands, and dashed it on the floor,) and facing the chief officer, said, (as if remembering his Master's words,) "'*Let these go, take me;*' but before I yield myself up to you, *I summon you to appear before the bar of the King of kings, to answer the charge of interrupting his ambassador, while in the house of God, and in the discharge of his duty.*"

Conscious-stricken, the whole band fell back, and one of them remonstrated at the proceedings; but the order was given, and two sergeants, with drawn revolvers, had the honor of escorting a surpliced priest to prison, through the streets of the city. There were attendant circumstances,

such as the dragging through the streets young and delicate females of his family and friends, persons whose rank, sex, and tenderness of years should have shielded them from the brutal gaze of the street mobs: circumstances which were enough to make wise men mad.

And this was on the Lord's day, and under the precincts of the seat of Government. General Montgomery said to them: "*What! could you not come on a week-day? Could you not have had some sort of investigation or trial? Could you not have consulted me?*" *They replied, that they acted with the knowledge and under the direct orders of Government.*

Upon inquiry, this was found to be a fact.

The newspaper that published a statement of the facts was destroyed and its office burned. The type of a religious journal, the "Southern Churchman," was burned, and the enormities that ensued exceeded those perpetrated upon peaceable Christian communities by the Mohammedans.

They drove the minister from his home, and after revenging himself by ministering to the soldiers who had oppressed him, upon the field of battle, in the prisons, etc., binding up their wounds, and administering to them the consolations of religion in the hour of death, and after having the satisfaction of holding back the soldiers of the Confederate States from interrupting another minister, when praying for President Lincoln, he awaits the grand conclusion of these things. It is said that a stranger, who was present on the occasion of this sacrilege, observed, "*If the men engaged in this affair do not all meet with some signal judgment of the Almighty, I shall begin to question the truth of religion!*"

Rev. Mr. Stewart is now located at Spotswood, New Jersey, is a faithful servant in the cause of Christ, and is the author of "Commentaries on Revelation," and other religious works.

MRS. MARY B. MORRIS.

THE subject of this narrative, Mrs. Mary B. Morris, suffered, perhaps, as great indignities, and was subjected to as much cruel and barbarous treatment as any other person incarcerated in the Bastiles of the country during the war. This lady, whose noble nature is overflowing with the milk of human kindness, was born in Kentucky, and reared beneath a Southern sky. Having removed to Chicago, some ten or twelve years before the breaking out of the war, with her husband, Hon. B. S. Morris, who was a staunch supporter and able leader of the Whig party in the State of Illinois, and who looked upon secession as being wholly wrong, it was natural that she should entertain the same views. But it was equally natural that, when the war actually commenced, and the tread of hostile armies was pressing the soil that gave her birth, her sympathies should be enlisted in behalf of those who were near and dear to her by the ties of consanguinity and friendship — that her prayers should go up to the God of the Universe, supplicating Him to protect and defend them. That her sympathies were thus enlisted, that her prayers were of this character, was but natural, no one will deny.

The war progressed, fearful and bloody battles were fought, and, as one of the common results of the war, prisoners were captured. And as, at the commencement, there was no cartel for the exchange of prisoners between the North and South, the prisoners on each side were kept in confinement, at different points where prisons were located, for their safe keeping. One of these prisons was located at Chicago, and known as Camp Douglas.

It was here that Mrs. Morris commenced the ministrations

of kindness and love toward those unfortunate men who had been captured in battling for the lost cause. Many of these men arrived at the prison in the most destitute condition, some sick, some wounded, all nearly naked, the blood marking the tracks of their shoeless feet. Their suffering condition drew forth the sympathies of women born in the North, and it is but natural that those who had friends and relatives among them should endeavor to relieve their wants, and engage in the merciful mission of providing for them clothing, to protect them from the chilling winter winds, and in furnishing medicines and proper food for the sick and wounded in a strange land.

Seeing her friends and relatives thus circumstanced, the generous heart of Mrs. Morris was roused to action, and she immediately set about devising plans whereby she could at once ameliorate their sad condition. She applied to the commandant of the prison for permission to visit the hospitals, and, after numerous entreaties and appeals, she obtained it. From morn till eve did she sit by the bedside of the sick and dying, supplying the place of mothers far away. She took with her nice little dainties, that she knew so well were needed in sickness. Bed-clothing she furnished in large quantities, to make them comfortable. But not only did she administer to the wants of the sick: she also took upon herself the duty of furnishing them well with clothing, of which all were scantily supplied; and so assiduously did she apply herself to the work, that in a short time she saw all of those poor fellows warmly clad.

The war went on, the strife grew deadlier, the breach wider, battles were more frequent and fierce, the worst passions of men were stirred up, and as all things grew worse, so the treatment of prisoners of war. Camp Douglas had a change of commandants—one that was not at all advantageous to the prisoners. An officer was placed in command who rejoiced over the death of any and all *Rebels*, and did everything that he could to render the prisoners under his

control more miserable than they were before. One of his acts was to prohibit Mrs. Morris from visiting the camp.

This was the severest blow that he could have inflicted upon the unfortunate prisoners, and their sufferings were greatly increased. Still she did all that she could, notwithstanding she was thus debarred from visiting the prison. She sent in food and clothing, but alas! the most of it was appropriated by the officers in charge. This privilege of sending in food and clothing was, however, soon denied her, and hence the charitable offices and humane labors which this lady had so arduously and constantly performed were brought to an end.

She had done all that she could, or was allowed to do, in this humane work. What she did, was done with the full knowledge and consent of those in command of the prison, with the exception, that on a few occasions, she furnished money to escaped prisoners to enable them to get to Canada. These were mere boys, who, upon their arrival in Canada, were placed at school, and there kept until the close of the war. So that, instead of working against the Government, she actually did it a service.

We give this brief statement of facts in order to show the malignity of the Government in the arrest and imprisonment of this estimable lady.

In November, 1864, the vindictiveness of the party in power was at its highest pitch, and all who dared to differ from it became the recipients of a relentless persecution. The Hon. B. S. Morris was one of this class, although obeying the laws of his country, and doing nothing but what the Constitution guaranteed him the right to do. At midnight his house was surrounded by armed soldiers. He was ordered to open his doors, when fifty soldiers, wearing the uniform of the United States, marched in, seized and dragged him off to prison. This was the commencement of the cruel treatment that was so mercilessly heaped upon Mrs. Morris. After they had imprisoned her husband, she requested that she might be allowed to see him. The answer from his brutal

jailer was that "she would not see him again; that he would be hanged, and that speedily;" thus adding insult to injury, increasing the fears of a woman already racked with the pain of uncertainty as to her husband's fate.

But she was permitted to see him sooner than she expected, and under circumstances that she little dreamed of. In about four weeks after his arrest and imprisonment, early in the morning, she was informed by a servant that the house was again surrounded by armed soldiers. The cause of their being there she could not surmise—certainly the United States Government was not going to degrade itself by arresting a woman. Yes, this was the mission of its seventy-five soldiers, on that November morning. The house was opened, and the healthy and robust Captain of the *Invalid Corps*, (into which he had got in order to keep at a safe distance from Rebel bullets,) after having placed some fifty of his men around the house to see that the object of his pursuit did not escape, marched boldly at the head of his remaining twenty-five men into the house, called for Mrs. Morris, and informed her that she was his prisoner. He then ordered her to produce all of her letters, that he might examine them. This she was compelled to do. After he had examined them, and finding that no treason was contained in them, he concluded that the treasonable documents were kept back, and thereupon instituted a search himself. He ransacked every drawer and closet in the house, and carried off more than a bushel of letters, but found nothing objectionable. He then ordered her to go with him to prison. It being early in the morning, and having only thrown on her wrapper, she respectfully asked the privilege of putting on some more suitable clothing. She was informed that she would not be allowed to go out of his sight for one minute. She told him that she could not go out apparelled as she was, and must put on more comfortable clothing, and that he could go into her room and examine everything in it again, if he was not satisfied with his first search, and convince himself that there was nothing there that she wished to destroy, or that he might

not see. But the valiant Captain was not inclined to allow the first prisoner he had captured any possible chance of escape, and consequently would not allow her to go alone. She was compelled to have him in her room while she changed her clothing, a servant-girl standing in front of her to protect her, as much as possible, from his sight.

She was taken to Camp Douglas and delivered into the hands of Captain Sherley, who was a subordinate of Colonel Sweet, the commandant. The Colonel ordered Captain Sherley to confine her in what was known as the White-Oak Dungeon. This was a dark, damp, filthy place, swarming with vermin. But the Captain, being a man in whose breast the instincts of manly honor were not quite dead, refused emphatically to obey the order. The Colonel informed him that if his order was not obeyed, he would place him under arrest. To which the Captain retorted that he would let it be known that the cause of his arrest was for his refusal to obey a brutal order. This caused him to pause and consider, and he finally concluded to allow the Captain to take her and her husband into his own charge, and confine them where he saw fit. He very generously took them to his own quarters, and had a room fitted up for them, which was inside of the camp enclosure, and made them as comfortable as he could under the circumstances. She remained here for about two weeks, not knowing why she was arrested and imprisoned, or what charges they had against her. She was then ordered to Cincinnati for trial, when she was informed that she had been arrested upon the charge of conspiring to effect the release of the prisoners in Camp Douglas, and for which she would very likely be hanged; and if she was not, she ought to be. She was taken to Cincinnati under a strong guard. Before she started, her numerous friends wished to see her, and begged the Colonel for permission to do so, but he was deaf to all their entreaties.

She arrived in Cincinnati in the dead of winter, was conveyed to McLean Barracks in company with her husband, and put into a miserable, gloomy, and filthy room, the furni-

ture of which consisted of a wooden bench and a bunk, made of rough, unplaned boards. The grate in the fire-place was small and broken, and the fuel furnished not sufficient to make a fire.

She begged for permission to send out and purchase at least a bed and bedding, if they would allow her nothing more. But no attention was given either to her request or condition. Imagine her horrible situation—in dead of winter, confined in a cold and cheerless room, where daylight could scarcely be seen through the cracks of its boarded-up windows—little or no fire by which to warm her benumbed limbs—nothing to be seen but the armed sentinel, as he walked to and fro upon the corridor in front of the open door—nothing to be heard, save the wind as it moaned without or whistled through the apertures of the broken windows. Night came on—she was almost worn out by the fatigue of her journey, harassed in mind and body, sick and suffering from the inhuman treatment she was subjected to and compelled to endure: how badly she needed rest and repose! But how was she to sleep upon those hard, rough boards, through that cold winter night, with no covering but the smoked and blackened ceiling of the filthy room! She sat upon the wooden bench over the smouldering embers in the broken grate until far into the night, when nature at last overcame her, and she stretched her wearied and almost exhausted form upon the hard and uninviting boards, praying God to protect and preserve her through the rest of the night, hoping that the morning would bring relief, and thinking that the authorities in whose hands she was did not know of her cruel treatment, and that when they ascertained the facts, they would certainly remove her to better and more comfortable quarters. But she was doomed to disappointment. The authorities knew full well where she was, and how she was being treated, had indeed ordered it, just as it was, and, instead of bettering her condition, they would have made it worse, if possible.

The morning of the second day of her imprisonment in

this wretched place found her suffering severely from cold and hunger, for she had eaten nothing for thirty-six hours. Those in charge of the prison had furnished nothing but a tin cup half filled with a vile concoction, which resembled very dirty dish-water, but which they termed soup. This was all that was furnished, and neither she nor any other human being could have eaten it. It looked as if death was to be meted out to her by the slow and painful process of starvation.

The Government officials knew the charges they had made against her were groundless, without a particle of proof to sustain them, as the sequel proved. But they thought as the charges could not be sustained, they would by their brutal and inhuman treatment cause her death at all events. And they came very near accomplishing their hellish purpose. Her treatment during the succeeding three days was but a repetition of the cruelty of the first. On the fifth day, Mrs. Sarah Peter, a friend of Mrs. Morris, through the influence of her son, Mr. Peter, who was a warm supporter of the Administration, succeeded in obtaining permission to send to the prisoner a few eatables. And General Willich, who, although an infidel, set an example worthy to have been imitated by those who had immediate control of the prison, and who claimed to be Christian men, after seeing the wretched and horrible condition in which she was placed, swore, by that place that we all hope to avoid, that she should be allowed, at least, to buy the necessaries of life. But this small relief was not afforded until after she had been there some five or six days. She had induced a soldier to sell her an old wornout straw bedtick, to cover the boards on which she had been sleeping until her limbs and body pained and ached. The Government about this time magnanimously furnished her with a coarse army-blanket. Thus did she live for more than two months — December, January, and part of February — in this wretched, cold, and filthy room, not being allowed for one minute to go out of it.

This horrible treatment and severe confinement began to

tell upon her health. Her constitution was breaking down beneath it. At last a physician had to be consulted. He at once went before a justice of the peace, and made an affidavit that, unless she was allowed to take some exercise, and her treatment otherwise materially improved, she could not possibly live six weeks longer. Upon this statement made under oath, her relentless and cruel persecutors permitted her to walk out on the corridor fronting her room one hour and a half daily. But this slight improvement of her condition was not made until it was almost too late to benefit her, for soon after disease seized her, and she was compelled to keep her bed. Her only nurse or attendant was her husband, and when he was absent, in attendance upon his trial, which occupied some six hours a day, a Mr. Patton, who was a prisoner in the barracks, was placed in the room.

On this trial, all the evidence they had against Mrs. Morris was brought out. The one solitary witness against her was John T. Shanks, one of the meanest and most despicable villains that ever the gallows has been cheated of — a liar, a thief, and a forger, as was known to Government officials, and fully proven on the trial. When the war broke out this Shanks was undergoing a sentence of imprisonment, in the Texas penitentiary, for forgery. A mistaken clemency granted him a pardon, that he might join the Southern army. Captured with General Morgan's forces, in his famous raid north of the Ohio, Shanks was imprisoned with the privates of Morgan's command, at Camp Douglas. Here he secretly hired himself, as a spy and informer, to the military authorities. Not satisfied with acting the spy in the camp, he volunteered to play the *rôle* of an escaped prisoner, in order to entrap Mrs. Morris, by appealing to her sympathies. With inconceivable meanness and hypocrisy, he went to her house, and representing himself as an escaped prisoner in destitute circumstances, induced her to furnish him some money, promising, on his honor, it should never be spoken of to her injury. Returning to the camp, he was put forth

by the military conspirators as her accuser, and on his information she was arrested.

Such was the instrument and such the trickery employed by the Government officials, to manufacture a charge of treason against a lady whose only crime was that she had a generous and feeling heart, which could not resist the appeals of misfortune. It was infamous to set such a wretch to awaken her sympathy, by lying tales of destitution and distress, only to make her kindness of heart an excuse for casting her into prison, and subjecting her to unheard-of indignities and sufferings. The officials who descended to such base artifices disgraced the Government they represented. Their conduct only illustrated the unprincipled malignity which then animated its councils. This persecution of an innocent lady will remain a foul blot on the Administration which countenanced it.

After this vile informer and perjured wretch had given his testimony against Mrs. Morris before the military commission, on the trial of Judge Morris and others, and its falsity and incompetency were fully exposed, the Government had no longer any excuse for continuing her imprisonment. As the condition of her release, she made a confession that she had been guilty of the high crimes and misdemeanors of having given, on several occasions, food, clothing, and money, to escaped prisoners, to enable them to get to Canada. This confession was eagerly sought by Mrs. Morris's persecutors, as the flimsy excuse by which they hoped to justify to the public their own flagrant violations of the Constitution, in incarcerating a lady in one of their horrible Bastiles, without due process of law, and inflicting upon her a severe and protracted punishment, without trial by any tribunal whatever. To obtain it, they promised to permit her to remain in Cincinnati with her husband, during his trial — a promise which they intended to violate when they made it.

A valorous Adjutant of the Home Guard sent this confession to headquarters, accompanied by a missive of his own, full of bitter and vindictive denunciation, and containing a

recommendation that she be summarily banished from the country. But his superiors, not seeing the matter in this light, or perhaps fearing to proceed farther in this merciless and illegal persecution of a lady of the highest respectability, mitigated the sentence recommended by the brave and magnanimous Adjutant, by banishing her, during the war, to the residence of her father, in the loyal State of Kentucky.

Thus was closed this disgraceful chapter in the history of the persecution of American citizens by a Government which boasted that it was the best the world ever saw, and yet was guilty of acts of oppression and perfidy to its own citizens, which would disgrace a Russian autocrat or a Turkish despot

HIRAM WENTWORTH.

THE following letter is from a victim of despotism. As it speaks for itself, we make no comments. The letter is addressed to Hon. M. Y. Johnson, of Galena, Ill., a fellow-prisoner in Fort Delaware, formerly an inmate of Fort Lafayette:

"HON. M. Y. JOHNSON:

"*Dear Sir:* Yours of the 16th arrived on the 17th, in company with a note from Senator Rice, which I will copy *verbatim*, for you to dispose of as you may think proper. Such a document ought not to be kept in the dark. Here it is:

"'WASHINGTON, Dec. 14, 1862.

"'*Sir:* Yours of the 11th inst. is received—you were suspected of disloyalty—arrested—offered your freedom if you would take the oath of allegiance—this you refused—thus confirming the suspicions of your disloyalty—as it appears optional with yourself whether you remain in prison longer or not—I cannot see the necessity of giving myself any trouble upon the occasion—you say you ask no favors—your independence may keep you company until you are satisfied that you cannot receive all the blessings and protection of a free country, while refusing to support her institutions.

"'Respectfully, yours,

"'HENRY M. RICE.'

"So much from Mr. Rice—the *Honorable* Henry M. Rice—the *squaw-compelling* Rice, of Minnesota. It's all very fine, Mr. Rice, but what has become of my constitutional rights? Did my being 'suspected of disloyalty' annihilate them? Did an arbitrary arrest deprive me of my birthright? Having been arrested and imprisoned on suspicion of disloyalty, have I not clearly the right to demand either an unconditional release, or such a trial as the Constitution provides for those accused of that

crime? 'Tis a fine thing to offer a man his freedom, if he will swear allegiance to a tyrant who is murdering him piecemeal, without the shadow of a cause. 'Tis an extravagant eulogy on the recent conduct of his Dakota relatives in Minnesota — a desperate attempt to make savage treachery virtuous by comparison — for this Indian fur-trader (whose popularity with the redskins alone elevated him to Congress) to tell a loyal, native-born citizen (who has been in close confinement nearly seven months, rather than plead guilty to a false charge which would make his name infamous forever) that his independence may keep him company until he is satisfied that he cannot receive all the blessings and protection of a *free country*, while refusing to support her 'institutions.' My independence, which this descendant of Esau attempts to ridicule, was purchased with the blood of a noble ancestry, and will be scrupulously maintained at all hazards. He could not have consigned it to better company or safer keeping. I am *already* satisfied that the blessings and protection of a country whose institutions come and go at the bidding of one man, are not *worth* receiving; but I am receiving them, satisfaction, health, and Esau's opinion to the contrary notwithstanding; and if 'refusing to support her institutions' is a proof of disloyalty, refusing to support her *Constitution* becomes an evidence of loyalty, for many of the former are flagrant violations of the latter; and yet his blockheaded stupidity informs me that my refusing to take the oath of allegiance confirmed the suspicions of my disloyalty. Well, supposing it did? I have challenged suspicions repeatedly, and received no answer. Did my refusal to plead guilty preclude me the right of a trial? His extreme dulness accuses me of *asking no favors;* but does it therefore follow that I shall receive no justice? His unblushing treachery says, in other words, that I may remain here until I am satisfied with purchasing my inalienable rights at Abolition prices — which means forever.

"During the last Presidential canvass, I was three times arrested for expressing Union sentiments in a Southern State. At the commencement of the war, I declined the offer of a commission in the Confederate army, and enlisted as a private in the first regiment of Minnesota volunteers. After serving nearly five months in that capacity, I was discharged for 'military inability,' (wearing long hair,) my protest to the contrary notwith-

standing. I subsequently served as an independent soldier more than a month, gratuitously, in the same regiment; several weeks after which, I was 'suspected of disloyalty'— and by whom? Why, by a drunken lieutenant, who had never seen me before in his life; but who said, nevertheless, that he believed me to be 'a damned rebel spy, and that if he could have *his* way, he would hang me on the spot with a piece of telegraph wire.' Having, however, no authority to hang me, he graciously contented himself with arresting me and taking me to Martinsburg, where he tried to lionize himself by reporting that he had captured Colonel Ashby, which created so much excitement, that the guard found it quite difficult to prevent my being taken from them before they could get me to the Provost-Marshal's office; and the Marshal found it necessary to double the guard, and send also an advance guard to clear the way to the jail, where he ordered me to be kept for my own safety till the false report could be satisfactorily contradicted, and the mob dispersed, which numbered not less than two thousand men. Thus the scene closed at about 9 o'clock P.M. of the 6th of June last. About twenty-four hours later, the Marshal (Major Walker, of the Tenth Maine regiment,) ordered my release, provided I would leave town immediately. I countermanded his order, by informing him that I did not now propose to 'leave town,' till I could have daylight to do it by, and my own time to do it in. The next (Sunday) morning I was unconditionally released; but, owing to the religious habits of Virginia cars, I did not 'leave town' until Monday, when I returned to Harper's Ferry, where I had previously engaged myself as brakesman on the Baltimore and Ohio Railroad; and there, about 2 P.M. of the same day, I was again arrested — whether on 'suspicion of disloyalty,' or on the supposition that I had neither money, friends, nor constitutional rights, I cannot tell: all I can say is, I was kept there two days, in a filthy guard-house, without being allowed to send a telegram, or even a letter, to Washington, and was then sent to Baltimore, without the privilege of going or sending to my boarding-house, in Harper's Ferry, for a carpet-sack full of clothing, before starting. After several days treatment in the Baltimore city jail, the overseer of that extensive liberty-mill came to my cell, and asked me if I was willing to take the oath of allegiance; to which I replied, 'I am *now*, as I have ever been,

a loyal citizen of the United States; and whenever anything disloyal to the Constitution has been proved against me, I shall be ready to renew my allegiance.' The operator then said, 'The question is, will you take the oath of allegiance? I want a *monosyllable* for an answer — yes or no.' As I had one of the words he mentioned at my tongue's end, of course, I instantly relieved the patriotic agony of the suffering miller, by giving him his inevitable toll. He seemed to accept it as a great favor, and ground me some seven weeks without any extra charge. The operation was performed in a small apartment, vulgarly called a cell, where I fared sumptuously, on rye bread and bean soup, every day. I was then favored with a gratuitous pleasure-trip to Fortress Monroe, and afterward lodged in another citizen-factory, which was also conducted on the oath principle by General Morris, who also wanted a 'monosyllable.' As the one I experimented with in the city succeeded so well, I supposed it would win in Fort McHenry; but General Morris is a crabbed old cuss; I don't think anything would suit him; he only ground me two weeks in a stable hay-loft — on hard bread and salt horse, at that. I was glad to get 'shut' of him, and regard my second attempt with the talismanic 'no' as a 'great Union victory,' after all. It wins in Fort Delaware every time. I repeated it, the day I received the letter, with the utmost assurance, as I now consider myself permanently located. I must confess 'I cannot see the necessity' of my 'supporting her institutions,' as long as 'her institutions' insist on supporting me; nor is it 'optional with myself whether I remain in prison longer or not,' while honor is demanded of me as the price of liberty.

"Mr. Johnson, one favor — a message to bear:
Tell Abe Lincoln I've no allegiance to spare;
That the freedom he seeks for the African slave,
Will not pay for the shackles and blood of the brave;
That I ask for no favor — would utter no groan,
Though my life for political sins should atone:
But that justice must have me, if guilty of crime,
Or I will have justice, if robbed of my time.
Oh, DEMOCRACY! once the proud boast of our land,
Be thou treason or not, here's my heart and my hand;
I am proud of the chains that I wear for thy sake,
But, oh! why dost thou slumber? Awaken! awake!

"Yours, truly, HIRAM WENTWORTH.

"FORT DELAWARE, Dec. 20, 1862."

HON. FRANCIS D. FLANDERS, AND JUDGE JOSEPH R. FLANDERS.

HON. FRANCIS D. FLANDERS, and Judge Joseph R. Flanders, brothers, reside at Malone, Franklin County, New York.

They were arrested about seven o'clock, on the morning of Tuesday, the 22d day of October, 1861, by four Deputy Marshals, coming in upon them while they were at breakfast with their families. They were told by the officers that their instructions were to disregard any writ of *habeas corpus* which might be issued in their behalf, and arrest any person attempting to take them from their custody, under any process or authority whatever.

The following is a copy of the order under which the Deputy Marshal acted:

"DEPARTMENT OF STATE,
Washington, Oct. 11, 1861.

"EDWARD I. CHASE, Esq., United States Marshal of the Northern District of New York, Lockport:

"*Sir:* Please confer with the United States District Attorney for the Northern District of New York, and arrest Francis D. Flanders, and Joseph R. Flanders, and convey them to Fort Lafayette.

"Very truly yours,

"WM. H. SEWARD."

There was a regiment of volunteers in camp at Ogdensburg, about sixty miles from the place of their arrest, the two places being connected by railroad. The Deputy Marshal said they had made arrangements for any requisite number of these soldiers being brought down upon them in case of any resistance. The chief officer who made the arrest told them that Judge Hall, the United States District Judge for

the Northern District of New York, was at Albany when they left, and that if he was still there, they should be taken before him and have an examination.

But they did not allow them to stop at Albany, and evidently did not intend to do so when they gave this assurance They were taken to the cars at ten o'clock, and travelled night and day, until they reached Fort Lafayette, in the afternoon of the next day. They were delivered by the Deputy Marshal to Colonel Burke, at Fort Hamilton, and by him sent over to, and placed in the custody of a ruffianly civilian lieutenant, of the name of Wood. He took from them all their money, giving a written acknowledgment for it. They were then placed in a large battery-room of the Fort, in which were five or six guns upon carriages. This room was then tenanted by forty or fifty prisoners, of a most promiscuous sort, and of every variety of character. They had no tables, chairs, washstands, or bowls, and all the prisoners had to go out in the square of the Fort to wash, the weather being cold and frosty. The beds furnished them at Fort Lafayette were comfortable. All that they had to eat was cooked by a soldier, and served to them in the soldiers' mess-room on a common table. Their meals immediately succeeded those of the soldiers, and consisted, for breakfast, of a slice of half-boiled fat pork, a slice of very poor stale bread, and a tin-cup of black, bitter liquid, called coffee, without milk, and sweetened with strong and unpleasant sugar or molasses. At dinner they had the same kind of bread, some thin beef-soup, and boiled beef or pork. For supper, the same as breakfast.

A day or two before they left for Fort Warren they were furnished with tables, chairs and pails. They remained in Fort Lafayette one week, and were then conveyed, on the steamer. State of Maine, together with about a thousand others, prisoners of war, political prisoners, and a guard, to Fort Warren, in Boston Harbor. They were on board the State of Maine some forty hours, including two nights, and all felt that, overloaded as it was, should a storm arise,

nothing could save them from destruction. The few state-rooms were occupied by those fortunate enough to get them; all the rest slept on chairs, round stools, settees, and on the floor of the deck. They had nothing to eat but hard biscuit and raw meat, with coffee once or twice, without milk, brought around in horse-buckets, and dipped out in tin cups.

When they entered Fort Warren, on the morning of the 1st November, no provision had been made for them, and the first that they got to eat was late in the afternoon, when a barrel of hard biscuit, and a raw ham set upon the head of a barrel, were placed on the parade-ground of the fort, and from these the prisoners made their only meal that day. Things were but little, if any better, the next day. After that the prisoners were allowed soldiers' rations, but no conveniences for cooking, without going into a large room where there were forty or more prisoners all struggling for the use of one common stove.

When they arrived at Fort Warren, they had nothing to sleep on but a stone or brick floor, or some wooden slats like a gridiron, without beds or blankets. After a week or more they were furnished with a straw tick and a shoddy blanket, and some time afterward, with a moss mattress and pillow and some additional blankets, and an iron bedstead.

After they had been in the Fort some weeks, Seth E. Hawley, of New York, as agent of Mr. Seward, came to the Fort and offered to investigate the cases of all prisoners of state, who would first take the oath prescribed by the Lincoln Government, called the oath of allegiance.

The prisoners drew up and caused to be handed to him their reasons for refusing the Lincoln oath, and a protest against it, of which the following is a copy:

"The undersigned prisoners confined in Fort Warren, Boston Harbor, having been offered a discharge upon the condition of our taking the oath prescribed for certain officers of the United States, by a law passed at the late extra session of Congress, decline to take said oath, upon the following grounds:—We

have been guilty of no offence against the laws of our country, but have simply exercised our constitutional rights as free citizens in the open and manly expression of our opinions upon public affairs. We have been placed here without legal charges, or indeed any charges whatsoever being made against us, and upon no legal process, but upon an arbitrary and illegal order of the Hon. Wm. H. Seward, Secretary of the United States. Every moment of our detention here is a denial of our most sacred rights. We are entitled to, and hereby demand an unconditional discharge; and, while we would cheerfully take the oath prescribed by the Constitution of the United States, because we are, always have been, and always intend to be loyal to that instrument, (though, at the same time, protesting against the right of the Government to impose even such an oath on us as the condition of our discharge,) we cannot consent to take the oath now required of us, because we hold no office of any kind under the Government of the United States, and it is an oath unknown to, and unauthorized by the Constitution, and commits us to the support of the Government, though it may be acting in direct conflict with the Constitution, and deprives us of the right of freely discussing, and by peaceful and constitutional methods opposing its measures — a right sacred to freedom, and which no American citizen should voluntarily surrender. That such is the interpretation put upon this oath, and such its intended effect, is plainly demonstrated by the fact that it is dictated to us as a condition of our discharge from an imprisonment inflicted upon us for no other cause than that we had exercised the above specified constitutional rights.

"F. D. FLANDERS.
"J. R. FLANDERS."

Nothing further was heard of this.

A few weeks afterward the wives of the prisoners, accompanied by their fathers, and carrying a letter from Hon. E. D. Morgan, Governor of New York, to the President, urging a hearing of their cases, proceeded to Washington, and were, by the kind offices of Hon. Erastus Corning, immediately introduced to Mr. Lincoln. They stated the object of their visit, when the President replied that these things belonged

entirely to Mr. Seward's department; he knew nothing about them; had never heard of their cases before, and they must go to Mr. Seward.

They accordingly went to the office of the Secretary of State, where they were received very reluctantly, and only through Mr. Corning's influence. Scarcely had they become seated when the Hon. Secretary turned to one of the ladies, and in a very loud and excited tone of voice, said: "Well! what propositions have you got to make?" She replied: "We did not come to make propositions, but to demand a trial for our husbands, or their unconditional release." "No!" was the short answer, in a still higher key. Astonished more by his manner than his answer, a pause ensued, when he said: "Have you anything more to say?" Mrs. F. D. Flanders said: "Our husbands object to taking the Lincoln oath, but are willing to take the oath prescribed by the Constitution." He replied: "Any loyal man will take that oath; your husbands are traitors; I have put them in there, and they shall stay there." She answered: "They are *not* traitors." He said: "They *are* traitors; you say they are not traitors, and I say they are traitors; now what are you going to do about it?" She then said: "Governor Morgan wrote a letter to the President, calling for a trial for them as citizens of his State." He replied: "I don't care if all the governors in the world should ask it, they shan't come out till they take that oath." One of the ladies then asked: "Won't you tell us what they have done?" "I make no charges; I won't argue with you; they shall take that oath;" was the reply, in the most excited manner. He then added: "If you haven't anything more to say, I have done with you; I have nothing more to say to you." Mrs. J. R. Flanders, whose father is a Republican, then asked: "Won't you hear my father? He supports *your* Government, and is a Republican." "The more shame to him that he has not brought up his daughter and her husband better," was the dignified and courteous answer of the Hon. Secretary of State. Dr. Bates, the father of Mrs. F. D. Flanders, then said "The gentlemen have

been in prison almost four months; haven't you punished them enough to let them have a trial?" "I have no trial to give; I leave that to my successor;" was the reply. Mr. Raymond (the Republican) then said: "I am sorry to hear such a remark from *you* as you made to my daughter a moment ago." "*I* am not sorry. I repeat it. You ought to be ashamed, not to have brought your daughter up better," said this model of suavity, and thus the interview ended.

On the 14th day of February, 1862, Hon. Edwin M. Stanton, who had succeeded General Cameron, issued an order, by direction of the President, taking the political prisoners, as prisoners of state, out of the hands of Seward, and placing them under the control of the head of the War Department, and stating that all who were not spies of the enemy, or of such character that their liberation would be dangerous to the public safety, would be liberated upon their signing a parole not to give aid and comfort to the enemy, of which the following is a copy:

"FORT WARREN,
Boston Harbor, Feb. 22, 1862.

"I, (*here follows the name,*) a prisoner, do pledge my word of honor, that I will render no aid or comfort to the enemies in hostility to the Government of the United States.

(*Signature*)"

They signed this parole on the 22d of February, and on the next day, the 23d, they were landed at Boston, and Government *care* for them ceased.

On the twelfth day after the arrest of these gentlemen, two of the marshals concerned in their seizure returned to Malone, and, taking with them the sheriff of the county and several constables to protect them against *helpless women and children*, thoroughly searched their houses and offices, took from them all the private letters and papers, the accumulation of years, many of them valuable, and sent them to the Secretary of State; and up to this time they have not been able to recover them

ARCHIBALD McGREGOR.

ARCHIBALD McGREGOR was born in Hamilton, Scotland, in December, 1819. His father, John McGregor, was educated at Glasgow University, was a teacher in Scotland, and, till near his death, was a successful teacher of an academy at Wadsworth, Ohio, where Archibald received his education. It was love of liberty, and opposition to the British system of government, that induced the father to emigrate with his family to America, in 1828. In these principles, he carefully educated his family; and, like his father, the subject of this sketch has ever been a zealous and influential Democrat. In 1848, Mr. Archibald McGregor was solicited by the leading Democrats of Canton, where he was teaching, to take charge of the "Stark County Democrat." He accepted the offer, and still continues the business, assisted by his son. Mr. McGregor has filled the positions of County School Examiner, County Auditor, member of the Canton Board of Education, and School Examiner for the Canton Union School. As an editor, he has always published a vigorous, fearless, and decidedly Democratic paper — devotion to principle transcending all personal considerations.

In 1854–55, his paper dealt heavy blows against Know Nothingism; and his speeches over the county, exposing that infamous organization, brought down upon him the whole vengeance of the party. Ever avoiding personal wrangling, he, as a public man, has been accustomed to great plainness of speech. As will be seen, Mr. McGregor was an object of especial Radical attention during the late war. His invariable gentlemanly deportment, and high character as a citizen, always commanded the respect of the Conservative portion of his political opponents, even in the time of their wildest fury

From the beginning of the late civil war, Mr. McGregor was greatly persecuted and maligned by the "trooly loil" denizens of his section. He has suffered imprisonment, loss of property, and received other attentions, tending to prove him an unswerving friend of constitutional liberty, and one not to be driven from the path of duty by the clamor or threats of his opponents.

On the evening of the 17th of April, 1861, Mr. McGregor was seized by a mob of several hundred excited and infuriated men, at Massillon, Ohio, whither he had gone on business — their excuse being that his paper did not favor the war, which had then broken out.

The mob were about to hurl him into the canal, when the Mayor — a Republican — came to his rescue, and succeeded in getting him into his office. The mob surrounded it, and yelled for a victim. After about an hour or so, a carriage was procured, and, aided by a body-guard, he succeeded in passing through the vindictive crowd, whose demoniacal shouts rent the air, and, having entered the vehicle, was rapidly driven to Canton, a distance of eight miles.

Arriving there, and before going to his home, he called upon a Democratic friend, to inform him of the outrage at Massillon, and there learned that an excited crowd had also been ranging about Canton, in search of him as *their* chief object of vengeance. This mob had been in waiting at the railroad depot, expecting him to return home in the evening train, and, not finding him there, proceeded thence to his house, where they called for him by name. Mrs. McGregor stepped upon the portico, and demanded their business with her husband, and ordered them away. These were the first lucky escapes, but by no means the last; for his paper, coming out every week, kept alive the animosity of the war party, and made him a constant object of their vindictiveness. This they manifested in various ways — withdrawal of patronage — loss of subscribers — threats of personal injury, and destroying his office, which was done on the 22d of August.

It is unnecessary to detail the numerous personal risks to which such a man as Mr. McGregor was subject. For a time he could not walk the street without hearing from behind him, frequently muttered, "Traitor." If he took the cars to travel, he was sure to be recognized by some sneak, who would endeavor to excite the ire of the passengers or "soldiers" — which latter generally comprised a large portion of the passengers — against him. This may serve to show the constant danger to which prominent Democrats were exposed, during the first year of the war, and even afterward, from the fury of a mob, who, ceasing to be governed by reason, were led on by their frenzied passions. Although Canton was usually a Democratic town, yet there, as elsewhere, the Abolition war furor was paramount.

If a Democratic paper did not proclaim war with the zeal of a Mohammedan, and denounce all who opposed it with the opprobrious epithet of "traitors," and recommend them as fit subjects for "the rope and the halter," the editor himself was liable to receive these delicate attentions.

The feverish state of the public mind was such, that in a few minutes a crowd of frenzied individuals could be got together ready for the commission of almost any manner of violence. Ropes were hung upon all the lamp-posts about the town, and "Death to traitors" was prominently posted up. Amid this wild fury and rage, Mr. McGregor continued to issue his paper, without swerving or cringing, yet with a degree of prudence of expression which gave his venomous political enemies no opportunity for wreaking vengeance upon him, although they frequently sent marked copies of his paper to the Departments whence issued the orders for arbitrary arrests.

On the night of August 22, 1861, the newspaper and job office of the "Stark County Democrat" was broken into by a squad of new recruits, mostly sons of prominent families of Canton. The leader in this nefarious work was Lieutenant Edward S. Meyer, son of an attorney at law in Canton. He was aided by Jeff Reynolds, son of Madison Reynolds, O. F.

Browning, Jr., Thomas Patton, Jr., and several others, about twenty in all. The office was in the second story of the county buildings, on the first floor of which were the county offices. The building not being occupied, no alarm was given, and they went on with their work of destruction unmolested. Several Democrats saw the affair, but gave no alarm, fearful, probably, that serious consequences might ensue by arraying one portion of the community against the other.

The marauders did their work effectually, making a bonfire in the street, and burning wood, type, stands, cases, and all that was combustible. The destruction was complete, the old newspaper hand-press being the only article of any value that escaped.

Mr. McGregor knew nothing of the destruction of his office till near breakfast-time the next morning. He had been in the habit of guarding it till eleven or twelve o'clock, and at times having a guard remain over night. The establishment had often before been threatened with destruction, but hopes were entertained that it would continue to escape.

The news spread over the country like wildfire, and the excitement and indignation among Democrats were intense. Two days after, a meeting was called, and it was largely attended by the staunch Democratic farmers and others. Mr McGregor addressed the meeting in some suitable remarks, daring his enemies to point, in his paper, to one expression of his opposing the Constitution and Union of our fathers, or advocating secession, or a dissolution of the Union.

A few contemptible "War Democrats" busied themselves in poisoning the minds of regular Democrats against Mr. McGregor and his paper. In fact, the needy crew were after profitable places in Radical Egypt, and wished to gain favor by preventing the re-establishment of the paper under the auspices of its old editor, on the plea that he was too extreme in his views, etc. Learning their scheme, Mr. McGregor assured the meeting that he would issue a Stark County Democrat the next week, and every week afterward. It might not

be larger than his hand, but it would appear, and in time become of the usual size, and of the usual tone, evincing a free press. This was loudly cheered by the meeting; and he was as good as his word, and his paper has continued in well-doing, and still ranks among the decided and staunch Democratic papers of the State.

The morning after the destruction of his property, Mr. McGregor had nine of the culprits arrested on criminal process, and bound over to the Common Pleas Court, in five hundred dollars each. The readiness with which twenty-two of the leading Republican citizens stepped forward and bailed the burglars and destroyers of private property, showed plainly that they indorsed this act of vandalism.

By a writ of *habeas corpus*, the culprits were taken before Probate Judge Underhill, an old Radical Abolitionist, who reduced the bail bond to three hundred dollars, and who neglected to file the proceedings in the Common Pleas Court, as required by statute.

After the case had been continued for several terms, it was at last called by the prosecuting attorney, then a Yankee Radical, named Baldwin. The suit for damages is still pending, having been continued for six years! Thus have Radical courts dispensed justice and maintained the supremacy of the law.

The usually quiet and law-abiding citizens of Canton were surprised, on the morning of Sunday, October 12, 1862, to find their town in possession of the military. During the night previous, the 120th Regiment O. V., under the command of Lieutenant-Colonel Speigle, had arrived in a special train. These were subject to the orders of Jacob Brinkerhoff, then Chief Justice of the Supreme Court of Ohio. Instead of arresting by civil process, he came, *in propria persona*, in military hat, with his belt and sword, and well provided with arms, prepared to seize civil, unresisting citizens by the power of the bayonet. No wonder this "mighty man of war" put on lofty military airs, and made his grand entry in kingly style. This military force came from Camp Mans

field, a camp for drafted men, then commanded by Charles T. Sherman, now Judge of the U. S. District Court of Northern Ohio. The soldiers had been led to believe that the citizens of Canton were in open revolt, and had fortified the town. Great was their surprise to find the place as quiet as a summer morning.

Quite a number of the "trooly loil" were on hand, at the station, to receive and welcome the troops; and great was their delight when the military arrived. They waited upon Judge Brinkerhoff, each with his proscription list of "traitors," whom, as good *Christian* neighbors, these loyal worthies would consign to imprisonment, or a "rope and halter" at the first lamp-post. Judge Brinkerhoff referred the list to Draft Commissioner Bierce, who, after due and careful deliberation, returned the list, saying his only duty was "to use the military to arrest the drafted soldiers," a few of whom had refused to report, as per order. The draft had taken place on the 3d of October, and it was important to get the drafted men to camp, before the election on the 14th inst.

The Lincoln leaders well knew the dangers from the draft. Judge Brinkerhoff, failing to get Commissioner Bierce to take the responsibility, ordered the Deputy U. S. Marshal, Anson Pease, of Massillon, to arrest Archibald McGregor and Peter N. Reitzell. Accordingly, between 9 and 10 o'clock A.M. on that beautiful Sabbath morning, Pease, with a squad of soldiers, first arrested Mr. Reitzell in the Baptist church, where he was teaching a Sabbath-school class, and afterward Mr. McGregor, in his editorial office.

On being arrested, Mr. McGregor demanded to know his authority, but the only reply was, "No matter; come right along" — and the military compelled obedience to this mandate. Surrounded by them, he was marched across the public square to Commercial Hall, where he found Mr. Reitzell. The streets were crowded with citizens, most of whom witnessed the spectacle in silence, but with joy, for most were of the Radical class, and hence justified the infamous deed. Only a couple of Democrats uttered an indignant exclamation.

In passing Cassilly Corner, Mrs. Grimes, an old lady friend, came to the door, and, with the cheering tones of a noble voice, said:

"Ah, Mack, the villains have got ye at last! But don't be cast down!"

McGregor. "Not a bit of it, Mother Grimes; I 've done nothing I am ashamed of!"

Mrs. Grimes. "No, indeed! shake that viper (the Marshal) from your arm. Don't let the villain touch you!"

A few minutes' march brought them to the hall. Of course the news flew over the country, and while there was much indignation, it took no such shape as when the loyal minions of King George III. attempted the same arbitrary measures in 1775. Well might the sufferers of the Lincoln tyranny exclaim:

"Oh, for the sword of former time!
Oh, for the men who bore them —
When, armed for right, they stood sublime,
And tyrants fled before them!"

The alarm of friends, wives, and children, at these unwarranted and ruthless arrests, can scarcely now be conceived. Nor can the prevailing terror of that despotic period be fully appreciated.

That afternoon, the two prisoners were marched with great parade to the station, and taken by special train to Camp Mansfield. A large crowd of the loyal, old and young, joyfully witnessed the spectacle, and some of the females waved their handkerchiefs, and gave chuckling laughs as the prisoners passed by.

Arriving at the camp, they were placed in the miserable dungeon-room, in the camp guard-house, without sleeping conveniences of any kind. The intention was to furnish no blankets for them; but Mr. McGregor received a call, by request, from Colonel French, of the 120th Regiment, who ordered blankets for them. The next day, through the kindness of Colonel French, the prisoners were assigned to a small and open shanty, twelve by thirteen feet, in which

they were securely guarded, and furnished with no comforts. The cold nights required continual walking to keep up the circulation.

After repeated efforts, on the third day the prisoners obtained an interview with Commandant Sherman, when something like the following conversation ensued:

McGregor. "Colonel Sherman, we are prisoners in your camp, and we desire to know of what we are accused, and who are our accusers."

Sherman. "I do not know: your arrest was ordered from the Department through Governor Tod, and I am merely your custodian."

McGregor. "We desire an immediate trial before a *legal* tribunal, but fear not to appear before any, as we have been guilty of no infraction of the laws. But really it is singular you cannot inform us of our accusers or the charges preferred."

Sherman. "Well, I will write to Canton to Mr. Bierce, to try and get the information. As I told you, I am merely your custodian, and know nothing about your case or a trial."

McGregor. "Well, can you not let us go on bail? We can furnish you any amount of security."

Sherman. "As merely your custodian, I cannot let you out on bail. I might give you the privilege of the camp."

This favor Sherman did grant, and said, as they would have to remain, probably, for some time in camp, they had better get a stove to make themselves comfortable; and if they chose to do their own cooking, they might draw rations. At the end of a week, the prisoners were fully installed at house-keeping; two others, Daniel Tuttle, of Crawford County, and Rev. G. W. Henning, of Stark County, having been added to their household. Mr. Tuttle had been too outspoken, and Mr. Henning had been drafted, and had not reported.

The prisoners were in danger of being shot in their quarters, so frenzied and vindictive were those who surrounded them.

Some ten days after their arrest, the prisoners were informed by Judge Sherman that he had received papers from Draft Commissioner Bierce, containing the charges. On examination, they were found to be mere statements of three loyal worthies of Canton, two of whom swore to the same statement: Thomas Lloyd, an ex-English beadle, and Louis Miller, of the firm of Aultman, Miller & Co., of ——. The other was an insane man.

These were all *ex-parte* statements, no opportunity having been given to cross-examine. This farce was performed by men of the legal profession, but who could not have had much regard for the "majesty of the law."

These statements sought to give a little color to the charge that the prisoners had endeavored to obstruct the draft. Of course they were afforded no opportunity to meet their unprincipled accusers face to face. This trio of willing instruments pretended to swear to remarks the prisoners had made at the meeting of drafted men, on October 6, when Mr. Reitzell, by request, had addressed them, and when Mr. McGregor, though requested, had declined to do so. The fact of the prisoners having no trial whatever, shows the utter groundlessness of the charge; for had the authorities been able to make out a case against them, it would undoubtedly have been done, or at least attempted.

There was one other prisoner with them — Hon. L. W. Hall, of Bucyrus — who was allowed to board himself in the town of Mansfield, and report to Judge Sherman, in camp, every day. Judge Hall was an eminent lawyer, and had represented his district in Congress, and served as Common Pleas Judge. Mr. Hall died in January of the following year. His arrest was for some remark, reported by a Lincoln knave.

On the 5th of November, Judge Sherman called on the prisoners with a despatch from Governor Tod, ordering him to release them on their taking the oath. After a day's consultation, and feeling convinced that no trial would be given them, they accepted the proposition, and, with the advice of

friends, took the oath. Judge Sherman drew the *oath* mild, merely requiring them to support the Constitution and laws, together with the orders of the President in *pursuance therewith*. After spending in confinement twenty-five "watchful, weary, tedious nights," they again found themselves enjoying that freedom of which they had been so unjustly deprived.

The following day, on arriving at the Canton depot, Messrs. McGregor and Reitzell were met by a large concourse of earnest friends, with a band of music, and accompanied to the public square amid the joyful, ringing cheers of the crowd. The ladies who waved their handkerchiefs were not the same who had given such demonstrations of joy when they were arrested and as prisoners were being dragged ruthlessly from their homes, a few weeks previous. Friends accompanied them to their respective homes, and, at Mr. McGregor's residence, that gentleman, in a few appropriate remarks, thanked them cordially for the noble demonstration, and said that he would remember and cherish it as the proudest moment of his life. He had done nothing he regretted — nothing that he or his family might blush for; that he had stood up for liberty, and that he should still continue to advocate truth, justice, and constitutional liberty. He immediately relieved Mrs. McGregor from the editorial charge of his paper; and his friends, and enemies too, have since continued to hear from him through the columns of a free and untrammelled press.

JOSEPH KUGLER.

JOSEPH KUGLER was born in Hunterdon County, New Jersey, in 1805, and spent the most of his life there. He was a farmer by occupation, and had, through industry and economy, accumulated considerable property. He was a devoted Christian, and had for several years prior to his death been an elder in the Presbyterian Church. He never sought political preferment. His generosity and charity, together with the kindness and meekness of his disposition, endeared him to all who knew him.

At the breaking out of hostilities in 1861, he was watched, and often drawn into conversation by his political opponents, who, knowing him to be a firm and devoted Democrat, hoped that he might utter some sentiment which would enable them to procure his arrest and incarceration.

On the 16th of August, 1862, he was arrested at his house at Frenchtown, N. J., by Deputy Marshal Abraham Harris, assisted by a man, named Dean, from Trenton. He was lodged in the jail at Mount Holly, Burlington County, where he remained for six days, when, by the order of Edwin M. Stanton, Secretary of War, he was transferred to the Old Capitol Prison, Washington, D. C.

His arrest was made on the affidavit of S. B. Hudnut, and others, who certified that on the 8th of August, 1862, he had said: "Lincoln had no right to call out seventy-five thousand troops, without first convening Congress; and that if the South had her just dues there would never have been a rebellion; and that his conversation generally had a tendency to discourage enlistments." On ascertaining the cause of his arrest, his son obtained several affidavits from men of both parties, denying the above-stated assertions of Hudnut

and others. These he placed in the hands of Judge Advocate Turner at Washington.

Through the influence of ex-Governor Vroom, of Trenton, Colonel Murphy, of the 10th New Jersey Volunteers, and others, Mr. Kugler was released from confinement, after a detention of eight days, without being required to take the oath of allegiance.

He returned home, where he peacefully resided until early in 1864, when he was stricken down by sickness, and died like a Christian, with his "converse with heaven alone."

HON. WILLIAM HEWITT CARLIN.

"Whoso rewardeth evil for good, evil shall not depart from his house."

HON. WILLIAM HEWITT CARLIN was the son of the late Governor Carlin, of Illinois. His father was a Kentuckian, his mother a Georgian. Mr. Carlin was born April 20, 1816, in Madison County, Illinois, and spent his life on the banks of the Mississippi River.

He was educated in Jacksonville, Illinois, and was a good scholar, of a highly cultivated taste. He commenced the practice of law under the Hon. J. N. Morris, formerly a distinguished Democratic member of Congress, of Illinois, and a particular friend of the late Hon. Stephen A. Douglas.

He was elected to the Senate of the State of Illinois, and served the people with ability for five years. He was postmaster at Quincy, under President Buchanan; and had been Clerk of the Circuit Court of Greene County, Illinois. Such were the ancestry and public career of Mr. Carlin in the respective communities where he was born, raised, educated, and honored by the people.

Mr. Carlin was intimately acquainted with Abraham Lincoln; had always treated him with the greatest kindness, and was his friend, when Lincoln needed friends. Between himself and Lincoln there was great disparity in every respect. In ancestry, Carlin was the son of the Governor of the State; Lincoln was of obscure origin. Carlin was a scholar; Lincoln understood no language. Carlin was courteous, kind, and polished; Lincoln was uncouth, dogmatical, and vulgar.

On the 15th day of May, 1863, while over the Missouri River, in West Quincy, Mr. Carlin was arrested by a gang of

that untamable rabble known as the Missouri Militia, than whom no greater outlaws were ever intrusted with a human being as prisoner. He was carried to Palmyra, taunted, tortured, and threatened with death by these vagabond mercenaries, who robbed him of his arms, worth about fifty dollars, and other valuables on his person. His only crime was his manly defence of liberty, when there was scarcely a friend left to do it homage. He was imprisoned in McDowell's College, and subjected to the most rigorous treatment, although Colonel James O. Broadhead, the Provost-Marshal, had been his intimate friend. The following correspondence will exhibit this, as a sample of arbitrary power and the instruments employed to enforce it:

"COLONEL BROADHEAD:

"*Sir:* As all my efforts to communicate with you personally have failed, permit me to occupy your attention for a moment, with this note. I have been a prisoner since the 15th of May, and to-day do not know for what I was arrested, or upon what charge I am now held. All communications for this information remain unanswered. Under these circumstances, I am tendered a 'release from my present arrest' upon condition that I take an oath of allegiance. If I should take that oath, it would certainly imply two things:

"First. A plea of guilty to an unknown charge.

"Secondly. An admission on my part, that I had already forfeited my allegiance to the Government.

"Truth and self-respect forbid any such concessions. Would it not be reasonable to furnish me with a copy of the charges, give me time to take testimony, or procure witnesses and prepare a defence? Holding me thus in ignorance and suspense is ruinous. My business, my family, and my health (now seriously impaired) are all neglected. Under these circumstances, may I not hope for a definite answer? W. H. CARLIN."

The following luminous epistle will sound strange in the ears of a well-educated American lawyer:

"Every government reserves to itself the right of requiring, through its proper authorities, the renewal of the obligations of

allegiance, which rests upon every citizen, and it is no impeachment of his loyalty that he should be required to do so.

JAS. O. BROADHEAD.
Pro. Mar. Gen."

"HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Office Provost Marshal General,
St. Louis, June 17, 1863.

"PAROLE.

"I, W. H. Carlin, of Adams County, Illinois, do hereby promise, upon my word of honor, that I will remain within the limits of the city of St. Louis, Missouri, until further orders from the Provost Marshal General, pending the examination of my case, and that I will report in person to said Provost Marshal General tri-weekly, until further orders. W. H. CARLIN."

"On the above parole, said Carlin has been this day released as above. JAS. O. BROADHEAD,
Lieut.-Col. and Provost Marshal General.

"JAMES F. DWIGHT, Capt., and Assist. Insp. General,
Department of the Missouri."

"HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Office Provost Marshal General,
St. Louis, July 7, 1863.

"The within parole of W. H. Carlin, of Adams County, Illinois, is hereby modified, and extended so as to permit him to go to the State of Illinois, and the State of Missouri, and to reside in either State, and report weekly by letter to this office.

JAS. O. BROADHEAD,
Lieut.-Col. and Pro. Marshal General,
Department of the Mo."

"HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Office Provost Marshal General,
St. Louis, June 20, 1863.

"PAROLE.

"I, W. H. Carlin, of Adams County, Illinois, in consideration of being permitted to go to Quincy, Illinois, for one week from this date, do hereby promise, upon my word of honor, that I will return to the city of St. Louis, Missouri, and will report

in person to the Provost Marshal General, Department of the Missouri, at the expiration of that time, and will hold no communication with any disloyal persons. W. H. CARLIN.

"*Witness:* Edward Spahr, Clerk, office of the Provost Marshal General, Department of the Missouri.

"Reported back, June 27, 1863.

EDWARD SPAHR, Clerk."

"HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Office of the Provost Marshal General,
St. Louis, June 20, 1863.

"SPECIAL ORDER, No. 22.

"IV. The parole of W. H. Carlin, of Adams County, Illinois, is hereby extended so as to permit him to go to Quincy, Illinois, for one week, at the expiration of which time he will report back to this office.

"By command of Major-General Schofield.

JAS. O. BROADHEAD,
Provost Marshal General."

"HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Office Provost Marshal General,
St. Louis, July 7, 1863.

"SPECIAL ORDERS, No. 32.

"VII. The parole of W. H. Carlin, of Adams County, Illinois, is hereby modified and extended so as to permit said Carlin to reside in the State of Illinois, or in the State of Missouri, and to report weekly by letter to this office.

"By command of Major-General Schofield.

JAS. O. BROADHEAD,
Lieut.-Col. and Provost Marshal General."

"HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Office Provost Marshal General,
St. Louis, August 18, 1863.

"The parole of W. H. Carlin is hereby extended so as to include the State of Iowa. JAS. O. BROADHEAD,
Lieut.-Col. and Provost Marshal General,
Department of the Missouri."

No charges were ever preferred against Mr. Carlin, and through the brutal treatment to which he was exposed, he died, and died without a release from his parole. The Government of Russia, Austria, or China has never exceeded the crimes which led to the death of Senator Carlin.

His mind was utterly impaired by his imprisonment; until the day of his death he never recovered. At Chicago, in 1864, during the Convention, he became excited, and all the outrages which had been inflicted upon him recurred to his mind in their most offensive form. He became more and more inflamed until his death. He was attacked on Friday morning with general congestion, and died Saturday evening, about four o'clock. His suffering in prison was more intensified and aggravated by the following facts:

1*st*. He was the *personal* friend of Lincoln, though his political enemy.

2*d*. There were no charges against him.

3*d*. His Republican creditors bankrupted him while in prison, and left his helpless family in destitution.

HON. CHARLES INGERSOLL, AND EDWARD INGERSOLL, ESQ.

ON the 13th of April, 1865, on the occasion of the celebration of Jefferson's birthday, in the city of New York, Mr. Edward Ingersoll, in answer to a toast deprecating the enormous Federal indebtedness, with which the war had overwhelmed the country, advocated the doctrine of State Rights as the only real basis of our Federal Union, or upon which, in the nature of things, our Union could permanently rest. Mr. Ingersoll also argued that if this overwhelming debt was revolutionary, either in its purpose or in its effect, if it had been created either in express disregard of the provisions of our written Constitution of Government, or still more, if it had been created with the design of overthrowing our liberties and system of laws, the people, who were interested in protecting their wise system of free government, were certainly not bound to recognize as honest the obligations of such a debt; that no sense of national honor, however refined or impracticably delicate, could call upon a people who loved their institutions, and were willing to defend them, to pay a debt created in the teeth of the express provisions of their Constitution of Government; and the certain political result of the permanent establishment of which debt must be to render that Constitution of Government irrecoverably and forever impossible. Whether there was truth and logic in this proposition that struck hard at the money powers of the country, who for some years past had been allowing themselves to be made the tools of political Abolitionism, we cannot say, but certain it is that Mr. Edward Ingersoll, a Philadelphia lawyer and a respectable citizen, who had heretofore been but little before the public, was

thought worthy of the fiercest newspaper denunciation and assault. President Lincoln's assassination on the night of Good Friday, April 14th, had aroused the people, as well as the madmen who had been for some years misgoverning the country, to a sense of solemnity, at least. Several of the partisan presses of Philadelphia were untiring in their efforts to excite against Mr. Ingersoll some mode of personal attack. A well-known member of the Union League assured a friend, that, to his knowledge, nothing had prevented Mr. Ingersoll's house being burned, but the fact that he occupied a rented one, and which belonged to a loyal man. Mr. Ingersoll was threatened, by an official communication from the United States District Attorney of Philadelphia, with prosecution for treason, for some of the sentiments of the New York speech. He was notified by the president of the bank where he had for many years deposited his money, to withdraw his account, as a person unworthy of even such exalted pecuniary relationship. So indignant was the exhibition of feeling on the part of the money powers against what Mr. Ingersoll thought to be the fair defence of a free citizen in behalf of the institutions of his country, that these facts, together with the receipt of anonymous threatening letters, induced him (most fortunately as it proved) to provide himself with a pocket pistol, to meet the event of unavoidable necessity, should it occur.

On the morning of April 27th, on entering the cars as usual, in coming to his place of business, from his residence in the neighborhood of the city, Mr. Ingersoll was assailed by the cry of "Traitor" from an adjoining car, and found himself the object of considerable observation. Nothing further was said or done, however, till, on stepping from the cars when the train had arrived at the depot, a man was observed calling to some persons to follow, and saying, pointing to Mr. Ingersoll, "There he goes." Mr. Ingersoll walked to the corner close by, to wait for the street car. While there, the assailant, with his backers, came up, and after some insolent demand, which was promptly and fitly replied to, an

attack was made upon him, led on, as he subsequently learned, by a little Captain of volunteers, the son of a Yankee Germantown schoolmaster, the father being also in the assaulting crowd. Mr. Ingersoll defended himself as well as he could, till, overwhelmed by odds, and his cane breaking in his hand, he retreated a few yards, and drawing his pistol from his pocket, cocked it promptly in the face of his assailants. *The effect was magical.* The assailants with unanimity, Captain and all, retreated with such precipitancy as to endanger their limbs; some of them actually falling in the street. There could be no popular sentiment against anything that Mr. Ingersoll had said or done. There was none, nor any mob in any bold sense of the word. The battle was over, and Mr. Ingersoll would have ridden down to his place of business in the street cars, as usual. Here, however, the city government, whose duty it is to protect good citizens, and repress evil-doers, stepped in.

Mr. Ingersoll was seized by, first, one policeman, then two, to whom he, of course, offered no resistance. He was carried through the streets for several squares, followed by a gaping crowd of girls and boys, who gather promptly to a street scene. Taken to a station-house, a police magistrate was sent for, and then, after a mock examination, at which the Captain who had led the assailants had the impudence to appear and give his testimony, the prisoner was committed, in default of $2,000 bail, "*for assault and battery with intent to kill, and carrying concealed deadly weapons.*" After being much jeered and insulted by the numerous body of policemen who frequented the station-house, the prisoner was locked in a cell, and there kept during the remainder of the day; bail having been refused on the ground that the authorities at Washington had been written to, and a charge of high treason was to be preferred against him.

In the mean time, in the afternoon of that day, Mr. Charles Ingersoll, a brother of the prisoner, who was approaching the station-house in a carriage to visit his brother, with a view to legal arrangements for his release, was, immediately

in front of the station-house, assaulted and most violently and brutally beaten. A night watchman at the Custom House, a hired bully of the town, was one of the immediate assailants. There was at the time within and immediately in front of the station-house, a very large force of police. No arrests were made, nor any effort of the sort. Indeed, when Mr. Ingersoll got into the house, wounded and bleeding as he was, the plain, though mutually expressed sentiment of the numerous surrounding policemen was, that it was "a good thing" "well done." Mr. Ingersoll presented a terrible spectacle, and for several days much apprehension was entertained for the safety of his life.

Hon. Charles Ingersoll is a citizen of Philadelphia, not only of the highest respectability and character, but has been prominently before the political public as a Democrat. During the early years of the war, when Mr. President Lincoln and his minions first boldly undertook to disregard the law and the rights of citizens, Mr. Ingersoll had been arrested by orders from Washington for his bold use of "free speech" in opposing the madness of the hour. He was at that time discharged on *habeas corpus* by the Federal District Judge.

On the evening of April 27, Mr. Edward Ingersoll was carried to prison, and there confined until the next day, when he was discharged on bail. During his transit to prison, the policeman who conducted him kept up, most anxiously, the same feigned apprehension of alarm from popular excitement against the prisoner. The idea was sedulously given out that but for the *invaluable police force*, the life of the citizen would be unsafe. The truth was, that but for these *rascally authorities, who were fomenting outrages against respectable citizens of certain political sentiments*, there was then no element whatever of public violence in the streets of Philadelphia.

On the 5th of May, resolutions were introduced into each branch of the City Councils, proposing an inquiry into the conduct of the police on the occasion of the assault upon Mr. Charles Ingersoll, and instructing the Mayor to offer a reward of five hundred dollars for the arrest and conviction of the

assailants. After considerable debate, the resolutions, in both chambers, were rejected by an overwhelming and strict party vote.

The President of the Select Council, in giving his vote against the resolutions, said: "The action of the Chamber should be placed on one single ground.

"It is not the business of loyal men to go out of their way to save disloyal men from the consequences of their conduct."

"A poor negro was in court yesterday," said another of the members, "complaining that he had been badly beaten. Why not offer a reward of five hundred dollars for his assailant, for he is far more entitled to respect than such a man as Charles Ingersoll."

HON. JAMES W. WALL.

HON. JAMES W. WALL, of New Jersey, was arrested on the 11th day of September, 1861. The circumstances of the arrest were as follows: — He was about sitting down at his dinner-table, when a servant announced that a Mr. Thomas, with whom he had some business transactions, desired to see him at once in his office. All unconscious of harm, he proceeded to his office, and there, instead of Mr. Thomas, found the United States Marshal for the District of New Jersey, Benajah Deacon, and the Mayor of the City of Burlington. The Marshal informed him, on entering, "that he had a warrant for his arrest." He asked him "at whose suit?" The Marshal replied: "At the suit of the Government." Mr. Wall at once responded: "I do not owe the Government anything, I believe; but, however, let me look at your warrant." He immediately handed him *a copy of a telegram*, in these words:

"To Benajah Deacon, Esq., *Marshal.*

"You are hereby commanded to arrest James W. Wall, of the city of Burlington, and convey him to Fort Lafayette, New York Harbor, forthwith.

"*By order of the Secretary of War*

"*Dated September* 11, 1861."

Upon reading this most curious document, he asked him how he received it, and the reply was, by telegraph. Mr. Wall said, "The Government is rather expeditious. However, I demand to know the nature of the accusation, and to see the copy of the affidavit upon which this *winged* warrant is based?" To these interrogations the Marshal replied: "I know nothing of either." Mr. Wall further asked: "Is

Simon Cameron, who now claims to be Secretary of War, a judicial officer?" To all this the Marshal's reply was the same as before: "I know nothing about all this," adding, "*nor is it my business to know.*" Mr. Wall quickly responded: "It is your business, sir; you have entered my house against my will, without legal authority, and if you were to attempt force to execute that order you hold in your hand, and I was to kill you in the act, I would stand perfectly justified in the eye of the law; and I now inform you, that I shall decline accompanying you as your prisoner, and if you attempt to coerce me, you will do so at your peril." He very quickly replied: "Oh! I know you, and have not come unprepared; see there!" opening, as he said so, a venetian blind, that screened the window looking into the back yard. He looked, and there saw some five men, who, the Marshal said, were his deputies to aid him in the arrest. Mr. Wall sprang upon him at once, seized him by the throat, and, hurling him nearly across the room, made for the interior of the house, and when just at the turn of his main staircase, the front door was burst violently open, and four more ruffians made their appearance, the five in the rear yard closing rapidly on him. He struck one of the men in front, knocking him down, when he was assaulted by four or five. In the struggle he had the bosom of his shirt torn out and the sleeve entirely off. Without a hat, he was forced violently upon the pavement, and by main force, though resisting most of the way, was carried to Belder's Hotel. His family were compelled to witness this outrage without being able to render him any assistance, except in bitter remonstrances against the outrage, and of course were very much terrified and alarmed. Mr. Wall was at Belder's Hotel but a few minutes before the train arrived from Philadelphia; but during that time, the Marshal, observing a gathering outside, and apprehending a rescue, remarked: "*It will do no good to rescue you; as I have orders to call for one of the regiments in that event, now in Trenton, and execute the process.*" There was no attempt at rescue, nor was there any time, for it was not more than

five minutes after his arrival at the hotel before the train came.

He was then taken, accompanied by the Marshal and some seven of his deputies, and handed over to the custody of Colonel Burke, then commanding at Fort Hamilton, and by him transferred to the custody of Lieutenant Wood, at Fort Lafayette, in New York Harbor. Here he remained a close prisoner until the 24th day of September of the same year; when he was released by order of Wm. H. Seward, Secretary of State. Mr. Wall was confined in cell No. 3, in that Fortress. It was an arched casemate with a brick floor, and lighted with two narrow barred windows. This cell was some fifteen feet in width by twenty in depth, and at the time of his incarceration contained some *twenty prisoners*. It was exceedingly damp, so much so that the moisture ran down the walls, saturating the bedding. Several of the prisoners, and himself among the rest, in consequence suffered from severe attacks of rheumatism. During the day, the prisoners had the range of the Fort, upon obtaining permission from the guards. In the evening at five o'clock they were locked in their cells, and not released until early in the morning. There were no conveniences of course for washing, and all that had to be done outside, with fetid water taken from a cistern containing the foulest of wells; indeed, for the first week, the water from the cistern was the only water that they had to drink, and several in consequence suffered from dysentery. Those of the prisoners who had money were permitted to form a mess, employing the steward of the Fort to furnish two meals a day; but those who had no means, were compelled to partake with the soldiers of the garrison, of their rough and scanty fair.

Their correspondence was submitted to the most rigid surveillance of the commander of the post, *and all letters containing applications for release, or the employment of counsel, were returned to them, with a statement that by orders of the "Government," no such letters were allowed to pass out the Fort.* Lieutenant Wood himself exhausted his ingenuity in devising

ways and means to annoy and irritate the prisoners, by the exercise of every species of petty tyranny. This man had formerly been a railroad conductor, and was rewarded by Lincoln with *a commission in the army*, on account of his services in carrying him safely from Harrisburg, at the time he went secretly to Washington, disguised in a Scotch cloak and military cap. At the time of Mr. Wall's confinement, there must have been over *four hundred* prisoners in the Fort. Some were blockade-runners, some were prisoners of war; but the greater part were prisoners of state, most of them from the Border States. The members of the Maryland Legislature only arrived the evening before he left, a new case-mate having been opened for their accommodation.

He never to this day, has been able to ascertain the grounds of his arrest. He had been very active in denouncing the war and the constitutional violations of the rights of the citizen; and had for three months previously written the principal editorials of the New York "Daily News." He had also addressed a letter, which was published, to Montgomery P. Blair, then Postmaster General, denouncing severely the interference with the liberty of the press by that Department, in which, among other things, he said:

"Your recent high-handed unconstitutional act in preventing certain newspapers from being circulated through the mails, will meet, as it deserves, the indignant protest of every freeman. If the proscribed papers have reflected severely upon this tyrannical Administration, they had a perfect right so to do in a republic, where it has been our most cherished boast that the acts of our rulers were open to the freest scrutiny. In fact, the right of examining the character of our public servants, and commenting freely upon their public conduct, is the sentinel standing at the door, and guarding every other right. If the people relinquish this, they deserve to be slaves.

"Our fathers were intimate friends, and although your father to-day belongs to the Republican party, I cannot believe that he indorses the recent arbitrary acts of your Department; or else he must prove recreant to the doctrine he proclaimed years ago

in the 'Globe,' of which he was, at the time, the editor. In that able and influential journal, in speaking of the attempt made to pass a bill through the Senate, preventing the interference of Federal officers in elections, against which my father had made a report in his place in the Senate, as Chairman of the Judiciary Committee, he once said: '*Under no possible circumstances, not even in insurrection, or amid the throes of civil war, could the Government justify official interference with the freedom of speech, or of the press, any more than with the freedom of the ballot. The licentiousness of the tongue or the pen is a minor evil, compared with the licentiousness of arbitrary power.*' Little could he have then supposed that one of his own sons would lend himself to carry out an arbitrary edict, that prostrated this boasted freedom at a blow. Yet he has lived to see it.

"You have assumed to dictate to me what political papers I may receive. Where do you derive that right? You have just as much right to say what religious journals I may receive. I am in favor of peace; I have a right to be for a cessation of this most cruel, unnatural war, for an appeal from the acts of this tyrannical Government to the people, an appeal from 'Philip drunk to Philip sober.' I will work for it, write for it, pray for it, do anything but fight for it, in defiance of all the imperial ukases that may be issued from Washington. If this war must go on, let it be waged within the limits of the Constitution. Wage it against the enemy south of the Potomac, and not against peace-loving citizens of the North, whose only crime consists in loving the old Constitution so well, that they cannot possess their souls in patience when they behold the far-famed higher laws of the infamous Seward substituted in its place."

He also, in a public speech denunciatory of the war, declared:

"The war had a fourfold object. First, power; second, plunder; third, negro equality; and fourth, Southern subjugation. They have already taken two sides of this quadrilateral; and let them triumph, and they will take the other two; and the rights of the States and constitutional liberty will find their graves, from which there shall be no resurrection."

His zeal, activity, and earnestness brought down upon him

the intense hatred of the lying Abolitionists of the city of Burlington. The Mayor of the city, Wm. R. Allen, and Jacob Lawmaster, the Postmaster, despatched a letter to Washington, declaring that he was a dangerous person, and the order came in response over the telegraphic wires, such as we have given above. "Those were times," as Mr. Wall said afterward in the U. S. Senate, on the Indemnity Bill, "when the post-offices had become each like the lion's mouth at Venice, where the secret and dastardly informer might lodge his lying accusation, and from a tribunal as inexorable as the far-famed Council of Ten, would come as swift and as sure over the telegraphic wires, the mandate that consigned the unsuspecting citizen to some military dungeon of the republic — it might be Fort Warren, it might be Fort Lafayette."

On his return home from his imprisonment, Mr. Wall was honored with a public ovation by the citizens of his town, which is thus described in the journals of his county:

"The release of Colonel Wall from Fort Lafayette, and his reception on Friday night, when he returned to his family, his home, and numerous friends, produced a rejoicing exceeding anything ever before known in that city. Notwithstanding the disappointment of a large number of people who had assembled at Mount Holly to come in by railroad, and the severity of a heavy storm of wind and rain, which made it impossible for hundreds of others to leave Beverly, Rancocas, Jacksonville, and other villages in our county — and so with many others in Philadelphia and Bristol, and many of our own citizens — there were not less than one thousand persons at the depot waiting his arrival.

"As he stepped upon the platform, the dense mass greeted him in the fulness of their hearts. It was no strained effort on the part of many who had sympathized with himself and family, for the cheers of welcome came long, loud, full, and free. He entered a carriage in waiting, preceded by a large transparency, bearing the words: 'James W. Wall, the Defender of the Constitution, Welcome Home,' with the American flag. The carriage was encircled by a large number of men bearing torchlights,

followed by a band of music and some five hundred torch-bearers in procession.

"As the procession moved along, Main Street was filled with men, women, and children, while all the houses of prominent Democrats were illuminated. Continued cheering rent the air. At the steps of his residence he was received between two lines of young ladies, dressed in white, who strewed flowers along his pathway, from the carriage to the house. As he entered his door, the band struck up the air of 'Home, sweet home!' After a few moments spent with his family, he returned to his steps, and thus addressed the immense crowd that completely blocked up the square, as follows:

"'MY FELLOW-TOWNSMEN: My heart is full to-night, so full that I can scarcely give adequate expression to the emotions that crowd upon me, as I look out upon this heartfelt, this magnificent demonstration. What a striking contrast is presented to the melancholy scene, hardly a fortnight ago, when I was dragged ruthlessly from these steps, torn mercilessly from the clinging embraces of the dear ones at home, and consigned to the tender mercies of the brutal military despotism that rules with iron sway within the gloomy walls of the American Bastile. This enthusiastic reception, my friends; these shouts of hearty welcome; these bright and happy faces; these beautiful flowers strewn in my pathway by such fair hands; the cheering, dancing light of your flaming torches; and the inscription on your transparencies — all unite to convince me how lovingly you bear me in your hearts. Such a reception is the more welcome, because it wears a double significancy. It assures me, in the first place, that you, my neighbors and friends, among whom I have gone in and out so many years, sympathize with me in the cruel wrongs and outrages to which I have been subjected. In the second place, it is a manifestation, strong as holy writ, that you believe that I am wholly innocent of any charge of disobedience to the laws, or any imputation upon my fame as a Constitution-loving citizen. "Charge," did I say? Why, my friends, would you believe it, from the hour that I was torn so ruthlessly from my home, through the long and tedious moments of my cruel imprisonment, up to this joyful moment, when I look out once more a freeman, over these kindly, gladsome faces, now upturned to

greet and cheer me, *I have not been able to ascertain what those charges are.* I have in vain demanded from the Government the nature of the charges, and claimed the constitutional privilege of being informed of the nature and cause of the accusation, and to be confronted with the witnesses against me. But up to this hour, the grave could not have been more silent. Great heavens! can it be possible. If we have no rights under our Constitution, what then becomes of the value of the Union for which it is pretended we are fighting. We have heard a great deal, during the wretched strife in which the nation is engaged, in tearing out its own heart-strings, of preserving the National life, but the Constitution is the Union. The Constitution and the Union, according to the theory in which I have been taught, are one and inseparable.

"'In fact, the Constitution was made to form a more perfect Union. They live in and by and through each other. When the one perishes, the other dies — the destruction of the one involves the subversion of the other; nay, the subversion of the Constitution is revolution, for it changes the whole framework of our Government. I care not whether the blow comes from the North or the South, that is aimed at the Constitution, it is aimed at the Nation's life.

"'In that Constitution, the reserved rights of the States are there secured — the granted powers of the Government there defined.

"'Those great, absolute rights of the citizen, securing free speech, free thought, and free person, are there. These are the solemn clauses that protect the *citizen's person from arbitrary arrest, his property from arbitrary invasion, and his life from arbitrary interference.* These all are to be found in the amendments to your Constitution, that have been most appropriately called, '*The Ten Commandments of American Freemen.*' It is true they were not delivered like those of old, 'mid the lightnings and thunder of Sinai, but they were no less written upon the hearts of freemen by Divine inspiration, they are God-given rights, to be enjoyed as the air you breathe, or as the water you drink, and the man who would deprive you of them is a tyrant, and the people who would submit to such deprivation are fit only to be slaves.

"'Our fathers caught the inspiring strain from Magna Charta,

and it was prolonged in that sonorous sentence in our own Constitution — '*No person shall be deprived of life, liberty, or property, without due process of law*' — 'due process of law,' 'the law which hears before it condemns, and punishes only after conviction.' Cherish, my friends, these great rights thus guaranteed to you in your Constitution — never surrender them, never allow them to be compromised, or gainsayed, for they constitute the Keystone of the Arch of Freedom. Take them away, and the springing arch falls in ruins. We only call that Government free, which not only shelters its subjects from the injustice of the many, but from the tyranny of the one or the few. We, as a people, are free, because from ancient times there came laws, as if written with the finger of the Highest — free, because to us in this day, it was thought conscience and opinion were free. It is a glorious thought that the law of the land recognizes there is a part about every man's affairs so sacred that it must not be crossed either by inquisition or inquiry. The freedom of the citizen from all illegal arrest, the freedom of his hearth-stone from arbitrary invasion, and the freedom of his conscience from all manner of restraint; these constitute the Urim and the Thummim, the breastplate of Light and Truth round the heart of the American citizen, in the time of trial and danger; and when he demands rights that have been denied him, they will impart a rich eloquence to his tongue, the wisdom of authority, and the mighty pathos of justice to the utterance of his lips.' "

Mr. Wall continued in this strain for over an hour, holding the crowd spell-bound upon his lips. After the conclusion of his speech they were invited into his mansion, and for two hours, men, women, and children thronged in to take him by the hand, and thank him for the courage he had manifested, and to sympathize with him in the sufferings he had so bravely borne. At the next session of his State Legislature, after his imprisonment, Mr. Wall addressed a long memorial to that body, denouncing the violation of the Bill of Rights of the State, in his person, and arguing the unconstitutionality of the proceeding, and which concluded as follows:

"What course you, the representatives of the State of New Jersey, may deem proper to take, in reference to this wanton outrage upon the constitutionally guaranteed rights of one of your citizens, must be left to your own judgments. It is for you to say whether it shall be passed over without, at least, a solemn remonstrance. If, by your silence now, you constitute such silence as a precedent, it may be for you to declare of what value hereafter shall be those high-sounding clauses in the Bill of Rights, in your own Constitution, to the citizens of New Jersey

"That Bill of Rights was intended as the enunciation of certain general principles of free government, to serve as the landmark of liberty and law. Did your present Senator in Congress, Mr. Ten Eyck, when he introduced it in your Constitutional Convention, and his fellow-members, when they voted upon it, consider its clauses only as a mass of glittering generalities? And yet what else do they become, if any cabinet officer may, under one of these 'general warrants,' invade your State with an armed force, kidnap its citizens, and incarcerate them, beyond the limits of the State, at his sovereign will and pleasure, in one of the military fortresses of the Government? Surely, if such outrages are to be passed over in silence, and such acts done with impunity, then I do not hesitate to declare that your State Government is a farce, and the clauses in your Bill of Rights the most contemptible and wicked shams.

"I speak earnestly, because I feel so. I have been made to know the insolence of arbitrary power. The most degraded criminals in any of your prisons could not have been treated as I have been, without an outcry of indignation from every honest citizen in the State. I have been arrested without the form of legal warrant—condemned without the shadow of a trial, and punished by a degrading imprisonment of weeks, without, to this hour, knowing the nature and cause of the accusations against me. I know and appreciate my rights as a citizen of the United States, and as a citizen of the State of New Jersey; and no man shall invade and trample upon those rights with impunity, if there is any courage or sense of justice left in the community. I envy not the heart, for it is corrupt, nor the brain, for it is diseased, that can attempt to approve, or by reason, justify such an atrocious act of arbitrary power as this. If such an

act can be done in a republic without redress, and with the approval of its citizens, then I know no difference between it and the vilest despotism upon earth, save that the latter is the most honest government of the two."

Such, however, was the terrorism of the Federal Government, that the House of Assembly, although largely Democratic, through the Chairman of its Judiciary Committee, Jacob Vannater, Esq., of Morris County, reported that "*it was not expedient*" to take any action on this memorial, for fear the State Government might be brought into antagonism to the acts of the Federal Government, which was a virtual and cowardly indorsement of arbitrary power.

The next Legislature elected Mr. Wall United States Senator, to fill the unexpired term of Hon. John R. Thomson, deceased, and during his short service in that body, his voice was heard in denunciation of the Emancipation Policy proposed to be pursued in the purchase of the slaves of the State of Missouri by the Federal Government, and in opposition to the infamous Bill of Indemnity to screen the President and his subordinates from all the legal consequences of their unconstitutional and arbitrary acts. In this last speech he alluded in the following language to his imprisonment:

"But who is it, that takes a retrospective glance over the stirring, awful history of the last two years, but feels how the fine gold has grown dim beneath the tarnishing touch of the rude hand of despotic power. Those great, absolute rights of the citizen, which were intended to be beyond the reach of arbitrary influence, the right of personal liberty, of property, of free speech and a free press, rudely and ruthlessly violated. Of those absolute rights, during what was not inaptly called the 'Reign of Terror,' there was not one heart, that was not trampled upon by the Executive, or his subordinates; and what was worse than all, every assault that was made upon them was applauded to the echo by timid jurists, divines, and contract-hunting, renegade Democrats, whose cowardly hearts, either ran away with their better judgments, or who really did not comprehend the very first principle of the Constitution under which they lived. Men

were arrested and papers seized without warrant, or oath of probable cause; prisoners were held without presentment or indictment, denied a speedy and a public trial, carried away by force from the State or district where their offence, if any, must have been committed, and incarcerated for months, ay, for years, in the military Bastiles of this Government, and then set free without being even informed of the nature and cause of the accusation against them. Every constitutional outpost was driven in, and every personal guarantee of the citizen brushed away by a tyrannical Executive, as easily as cobwebs by the hands of a giant.

"And this, Mr. President, by a Government professing it was fighting for the Union, the Constitution, and the enforcement of the laws; for these at the outset of the war were the proud watch-words that glittered on your military standards. Doctrines were preached in high places directly at war with the fundamental principles of this Government. The central power, under the bold pretence of preserving the Government, assumed a new and fearful energy, until men went about with 'bated breath and whispering humbleness,' not knowing where the next blow was to fall, or who was the next friend that was to be stricken down at their sides. Of these times, I may exclaim: '*Quorum pars sui.*'

"It was my lot, sir, to have felt the fierce grasp of arbitrary power, and within the damp, grated casemate of one of the Bastiles of this Government, to have discovered how helpless a thing is the citizen, who is deprived of those absolute rights, which, if they do not exist in your Constitution at all times, whether in peace or war, then your Constitution is a delusion and a snare. Having been arrested without cause shown, I was liberated in the same way, after enduring personal indignities which, to a high-spirited man, 'eat like iron into the soul;' and from the hour of my liberation up to this moment, when I stand upon this floor the representative of a sovereign State, I have been unable to ascertain what those charges were. I have in vain demanded of the proper Department what were the charges against me, claiming the freeman's constitutional privilege 'to be informed of the nature and cause of the accusation, and to be confronted with the witnesses against me.

"Great heavens! Mr. President, is it possible that such things can be, under a Constitution whose boast it has been that it was for the protection of the inalienable rights of man against oppression? If this boast has been in vain, then your Constitution has but a name to live, an outer seeming to beguile and deceive—it is but a delusion and a snare—it is the worthless husk, when the golden grain is gone—the now empty casket from which the jewel has been stolen.

"The liberty, sir, I claim, and those who act with me upon this floor, under our Constitution, is not the liberty of licentiousness, but the liberty united with law, the liberty sustained with the law, and that kind of liberty we have ever supposed was guaranteed to every man, rich or poor, high or low, proud or humble, under all exigencies, whether in peace or in war, or the state in the fearful throes of civil strife. This is my loyalty, and that of my friends upon this floor—the allegiance, the devotion to organic law I know no other loyalty, and will never bow myself at the shrine of any other. In our republic, its Constitution declares: 'No citizen shall be deprived of his life, liberty, or property, without due process of law.' We may be made to part with all these by the power of the state; but that power must look well to it, sir, that, in its exercise, it does not transcend the limits within which it is appointed to move. If it does, it becomes despotic, and then among men who know their rights, and, knowing them, dare to maintain them, resistance follows, as naturally as light succeeds darkness. If by a simple mandate, nay by the lightning's flash over the telegraphic wires, *as was my own case*, any cabinet officer, in States where the people are obedient to law, and where the courts are open, may consign you or me for an indefinite time to the gloomy walls of a government fortress; then the same mandate, or despatch, only altered in its phraseology, may consign us immediately to the hands of the executioner, or deprive us of our properties, confiscating them to the state. If not, why not? The right to have our lives secure against interference without due process of law, is equally guaranteed in the same clause which protects our liberty and our property. These privileges can trace their lineage back to the grassy lawns of Runnymede, where they were born many centuries ago. They were extorted then, and there, by the rebel-

lious barons, and uttered in glowing language that has come down to us from the ages long ago, and is still sounding in our ears as the sweetest note ever sounded from the clarion of freedom. Listen, Senators, to its music, as it sounded 'strong, and without overflowing,' full in the ears of a tyrant king: '*No freeman shall be seized or imprisoned, or disseized, or outlawed, or in any way destroyed, nor will we go upon him, or send upon him, except by the judgment of his peers, or the law of the land.*' Our fathers caught the inspired strain, and it was prolonged in that sonorous sentence I have quoted above from our own Constitution."

Since Mr. Wall left the Senate, he has not been idle. He has been connected editorially with three daily Democratic journals, furnishing the chief editorial matter for all

HON. ROBERT ELLIOTT.

HON. ROBERT ELLIOTT, one of the political prisoners of 1861, is a citizen of Freedom, Waldo County, Maine. He is a gentleman in independent circumstances, and about fifty years of age. Having entered into the mercantile business in the town of Freedom, nearly thirty years ago, he readily acquired a competency by his energy and industry, and there continues to own and superintend an extensive stock in trade. By his intelligence and integrity, he has made himself very popular, particularly in his own town, where he has for the past twenty years continued to fill the most important offices. His elections by the people, have always been by large majorities, and not unfrequently by an unanimous vote. He at one time represented his district in the Legislature, and was also a member of the Governor's Council.

In the latter part of the night of September 7, 1861, Mr. Elliott was aroused from his slumbers, at his residence in Freedom, by Chas. Clark, who was acting as Marshal for the State of Maine. The Marshal, after gaining admittance into the house, was quickly followed by ten or twelve men who had hitherto been invisible, having secreted themselves in the out-buildings, and under the fences, until their peculiar services were required. Not one of these men, it is proper to mention, resided in Waldo County. Mr. Elliott, thus surprised and surrounded at the hour of midnight, was ordered to dress and prepare himself to accompany Clark and his men; receiving no other explanation of his untimely arrest, than that it was done by authority of a despatch from Simon Cameron, Lincoln's Secretary of War. And long before his friends and neighbors had begun to break the stillness of the

morning, Mr. Elliott was far on his way to Fort Lafayette, a prisoner in the hands of his Government. Thus seized and carried away from his home, his family, and his friends, he was thrown into prison, where he remained nearly two months, without any charge having been preferred against him. Being unable to subsist on the rations furnished him here by the Government, because of their unwholesome nature, he united with other prisoners, and had suitable provisions furnished from New York, at their own expense.

From this noted Bastile he was conveyed to Fort Warren, and confined there one week. He was then unconditionally discharged on the 7th of November of the same year, without receiving intelligence from any official source, why the sanctity of his home had been invaded, and his personal liberty violated. Close confinement and its attendant horrors of impure atmosphere, and, for a portion of the time, unwholesome diet, made serious inroads upon his health and strength, but failed to weaken his fidelity and adherence to Democratic principles, or to diminish his sense of the wrong and injury which had been inflicted upon him.

During this vile and wicked persecution of his person for his political opinions, the Republican press of the country, under sanction of the Government at Washington, was filled with incendiary articles, false and libellous in their nature, calculated and intended to excite the prejudices and ill-feelings of the mob, not only against him, but other similar victims of political cruelty. And who can question the right of the masses to practise mob law, when Government officials lead the way, and establish the rule that might is right?

How successful they were in their teachings, can be further seen in the destruction of Elliott's property by hirelings, desperate characters, and Government spies. During the night of August 16, 1863, his two barns, at the time well filled with hay, were fired, and the wind blowing in the proper direction, the flames were communicated to his dwelling-house and other buildings, including a large amount of property, all of which were entirely destroyed The loss which

he sustained was very heavy, as only a small portion of the property was insured. He then built a large barn, at great expense, on the same site, and stored away in it more than a hundred tons of hay. But before the workmen had more than half completed the task of pressing it, and while Elliott was in Boston to arrange for the sale of it, in the night of December 31, 1866, the barn was set on fire, and it, together with the hay, hay-press, and other property of value, entirely consumed. His loss, at this second fire, was also great, only about one-third of the property destroyed being covered by insurance. There can be no doubt that this diabolical treatment of Elliott, in his person and property, was nothing more or less than *political persecution.*

REV. ROBERT DOUGLAS.

THE subject of this sketch, was one of eight brothers, distinguished for their height, their erectness, their handsome personal appearance, and their manliness. The smallest of this fraternal band, was six feet one and a half inches tall — the largest, six feet four inches. Born in the northern part of Ireland, but of immediate Scotch descent, they were in physical stature and bearing the very type of the historic family of "Black Douglas," to which they belonged, and in their uncompromising spirit they seemingly embodied much of that courage and independence which kept the hills of Scotland so long free, and to whose keeping, in the person of James Douglas, Robert Bruce bequeathed his heart in trust.

Robert Douglas was tall and stately, with dark complexion, black hair, brilliant dark hazel eyes, and a mouth denoting firmness of purpose; which, added to the dignity of his carriage, made up the measure of a very handsome man. In his boyhood he was conspicuous for his swiftness of foot, for daring horsemanship, and for various kinds of manly accomplishments. In the northern part of Ireland, a ditch which was the scene of a fearful leap by him when a school-boy, still bears his name. Robert, full of the spirit of adventure, left home at the early age of sixteen, and parting from his father and mother, and brothers, he determined to seek that fortune and freedom in America which the oppression of England denies the youth of Ireland. Reared in comfort by a father of respectable means, and cared for fondly by an affectionate mother, his natural independence and self-reliance had been nurtured and not smothered, and it must have been strong indeed when it impelled him to abandon the home he

loved, to go so far away as America seemed then, and among a people to whom he was an entire stranger. But he came. Three of his brothers afterward followed him. One of them fell, it is believed, at Buena Vista, in command of a company of infantry; another died of yellow fever. But two of the eight now remain: one in Mississippi, the other in Ireland.

As soon as his feet touched the shores of the United States, Robert Douglas sought employment; at first as a store-boy, afterward as a clerk, and then as a merchant. He was always busily occupied, and yet he did not neglect the cultivation of his mind. He was a great reader of books, and held frequent intercourse with the muses. His poetical effusions, which would have made a volume, and which disappeared mysteriously a few years ago, doubtless by the incendiary hands of their author, evinced an imagination of the chivalric and heroic kind rather than the sentimental. "Scotland and Scottish Chiefs," the "Black Douglas," "Masters of Scottish Kings," Ireland and her wrongs, evidently occupied much of the young poet's thoughts. Although these poems as a whole were scarcely worthy of the press, sometimes his youthful pen, at the mention of the distant home and kindred from whom he was separated, would express the outpourings of a warm and deeply moved heart, in very tender and beautiful verse. After a while, Mr. Douglas determined to prepare himself for the practice of law, a profession for which he was eminently adapted, and in which he must have attained the highest rank. In pursuance of this purpose, he commenced reading with his uncle, the Hon. Samuel Douglas, Attorney General of Pennsylvania, and continued in the preparation for nearly two years. He then suddenly concluded to turn his attention to the ministry, and gave up the study of law. As he was not a man of weak purposes, it is difficult to account for the change, and it is useless now to speculate upon it. He went to the Theological Seminary at York, Pennsylvania, and after a due season was admitted to the ministry in the German Reformed Church. In this calling he continued literally to the day of his death, never

neglecting an appointment nor a duty, and never wearying in well-doing. After having preached to a number of congregations, he removed in 1850, to his farm on the Potomac, in Washington County, Maryland, the birthplace of his last wife, who was the daughter of Colonel John Blackford. He did not, however, retire from the ministry, but undertook the charge of four different congregations. And as these were widely separated, his whole time was occupied in attending to his parochial duties. Holding himself aloof from politics, he rarely went to the polls.

When the war burst over the Union in 1861, Mr. Douglas saw the horrors of it inaugurated, by the burning of the beautiful bridge over the Potomac. War continued to pour blood freely over the land. Excitement and bitter feelings raged along the border. The troubled times and advancing age rapidly whitened the gray head of the preacher of the Gospel. Yet he willingly permitted no interruption to his duties; he went his regular rounds, comforting the sick, burying the dead, and spreading the Gospel. But soon the iron hand of persecution was laid upon him; sentinels and spies lurked about his house and dogged his footsteps.

His sermons were reported, and the very prayers that he offered over the graves of those he buried were searched for words of treason.

Before destruction began its red carnival with fire and blood in the valley of the Shenandoah, the torch was applied to his property, and one dark night his handsome barn blazed up against the heavens, casting an ominous glare over the Potomac, and then sank into ashes and a mass of ruins. The fences of his farm were in time taken down and burned, and his horses and cattle passed from his presence into the hands of the soldiers, to assist in the suppression of the Rebellion.

Mr. Douglas soon became a prisoner in his own house; and if he walked out upon his land, he was either halted at his outer gate, or followed by a suspicious sentinel. His life became almost unendurable; he was turned back when he

went out to perform the last rites to the dying; armed squads searched his house at the pleasure of each new commander. invading the chambers of his wife and daughters — looking through the contents of their bureaus and wardrobes, and turning their beds upon the floor with their bayonets; each member of his family was insulted by the brutal soldiery; and finally, he was ordered to close the shutters of all the windows that looked out upon Virginia.

The battle of Sharpsburg was fought on the 17th of September, 1862. The Confederate lines extended to within about three miles of the residence of Mr. Douglas, and their line of retreat, on the 19th, into Virginia, was through his farm. The Federal army followed to the Potomac, was repulsed at Blackford's Ferry, and then stretched itself in camp along the river. One corps was encamped on Mr. Douglas's farm, "Ferry Hill Place," and immediately his fences, wheat, corn, and every thing destructible was swept away, until that beautiful plantation became as bald and unprotected as a common.

All the crops of the season were taken without compensation, and without the pretence of military seizure. Tents were pitched in the yard, cannon planted about the house, and the inmates were in a state of siege. The battle having increased the animosity among citizens of opposite sympathies, frequent reports were made to headquarters of the rank disloyalty of that "Old Rebel preacher" — that he was in underground and treasonable communication with the Confederate General; and it was a subject of suspicion and complaint that one of his sons was on the personal staff of General "Stonewall" Jackson. It was a period credulous of evil report, and although the Federal officers, to whom these reports were made, would have concluded upon a moment's reflection that the scanty information of which Mr. Douglas, a prisoner in his own house, was possessed, would be of little value to the enemy, yet they acted in accordance with their prejudices.

About the latter part of October, on a dark and rainy

night, one of the shutters, which had been kept closed by order, was forced open by the storm. Mrs. Douglas, in going to her chamber with a lamp, unfortunately passed by this window, and a slender stream of disloyal and sympathetic light was poured over the Potomac into the Confederacy. The watchful sentinel upon the bank of the river saw the terrible flash, and made haste to report to an eager officer that a signal light had been given from the house of that "Old Rebel." It was a grievous charge, and most grievously did Mr. Douglas answer for it. Here was treason, if not stalking abroad, at least alive and active in the camp of loyalty. It must be sorely punished.

On the next evening, without warning or reason given, the venerable gentleman was taken from his home and family, and marched to the quarters of General Fitz-John Porter. He requested an interview with the General, but that was refused. This man, charged with disloyalty, had no rights which the Federal commander was bound to respect, and unheard, he was committed to the vulgar treatment of such soldiers as generally composed the provost guard. Had not such wrongs become common, it would seem both shameful and cruel that an aged gentleman of high social position, a minister of the Gospel, well known throughout all that country, should be dragged so suddenly from his family and condemned to prison, without an opportunity for explanation. And how simple was the explanation, and how easily refuted the charges upon which Mr. Douglas was arrested! General Porter thought little of the bitter draught he was forcing upon that unoffending civilian. Perhaps he thought of it afterward, when in retributive justice the poisoned chalice was commended to his own lips by that very Government in whose behalf he was doing the cruel wrong. The wheel was turning which was to drag General Porter down.

"Though the mills of God grind slowly,
Yet they grind exceeding small."

The same evening of his arrest, Mr. Douglas was hurried on to Berlin, below Harper's Ferry. Here, in the open air,

without shelter or any covering but the cloak he wore, and forbidden the use of fire, the old prisoner passed that cold and dreary night upon the frozen ground, while his family, ignorant of the cause of his arrest or his fate, passed the same night in tearful grief and fear. But greater than all the prisoner's personal sufferings was the thought of the manifold trials and sorrows that his arrest would bring upon his family, left alone and unprotected in the midst of his enemies. It was to him a night of wrestling between outraged honor and the Christian forgiveness and forbearance which he had been wont to preach throughout the land. And when, after the long night, the light of day appeared again, it witnessed the sad spectacle of the white hair of the old man mingling with the snow that lay all about him. A second and a third night was spent in the same manner, except that a subordinate officer, whose heart was not steeled against compassion, declared his treatment was a disgrace, and offered him one of his own blankets to lie upon. We care not to dwell upon the sorrows that were inflicted upon Mr. Douglas during these days, or the gloom and wretchedness that prevailed in his household. After a few days he was taken before General Burnside, where the oath of allegiance was offered him as the price of his release. This he declined, and demanded an investigation of the charges against him. Had he taken the oath under such circumstances, he must first have crushed out the spirit of independence he inherited from his ancestors. His request was in turn disregarded, and he was hurried away to Fort McHenry.

The fate of many who went within the walls of this Bastile suggests that over the gate should have been written, as over the entrance of Dante's Hell:

"He who enters here, leaves hope behind."

For a while after Mr. Douglas reached Fort McHenry, he was shut up in what had been a horse-stable, with deserters, criminals in ball and chain, and prisoners of the lowest grade. In all his experience, never had he seen such a mass of wretchedness, wickedness, and despair. A proper respect for

decency, forbids a minute description of the scene in the midst of which he passed those miserable days and more miserable nights. And yet his age, appearance, and character had their effect even upon the wretches who surrounded him. They soon began to regard him with kindness and consideration. A fellow-prisoner thus describes Mr. Douglas's situation at this time and in this place:

"A large number of prisoners, perhaps four hundred, occupied the hay-loft, and a larger number the stables below. After having seen Captain Barlow in regard to my quarters, and securing certain privileges for myself, he remarked to me that they were having a lively time in the front stable. An old gray-haired man was in there preaching to the soldiers, and he seemed to understand his business. He added that it was a bitter shame to have that old Christian gentleman in there, but that he could not help it. He was charged with giving signal-lights to the rebels; he (Captain B.) did not believe it, but General Morris did, and there was no use in trying to get him out. He asked me to look through the bars and see if I knew the prisoner. He was holding service. At its conclusion, I looked in and saw him seated upon a board, and when he arose and approached, I at once recognized him, and we shook hands. We had some conversation, and as we parted he said, (in a full, earnest voice,) 'They may put me in prison; they may confine my body; but they cannot imprison my spirit and my soul. I have plenty of work in here for my Master, and, by his grace, I intend to do it.' He constantly held prayer in that stable, and his fellow-prisoners, as far as I could ascertain, exercised toward him the greatest affection and reverence." Soon after, by the kindness of the Provost Marshal, Mr. Douglas was taken from the horse-stable and placed in somewhat more comfortable quarters, with his young friend and other state prisoners.

The record of the imprisonment of Fort McHenry is too well known to make it necessary to add that his exposure and sufferings were still great, too great for one of his age and failing health to endure very long. While he remained with those kind gentlemen, they resolved that he should be

as their guest, and should perform none of the duties of their prison-life. His health, however, rapidly declined. His white hairs became fewer; the fire in his eye began to burn dimly, and his body to bend. Always unwell, at one time he was very ill. He attributed the beginning of his sickness to the severe cold he had caught when lying out upon the ground the several nights after his arrest. He grew weak and cold; the poor covering of a quilt and a flimsy blanket were not sufficient to keep him warm. "He had prayers morning and evening with his room-mates. He prayed always for universal humanity, for his enemies and his friends. His conversation was mostly upon religious subjects, and thrice only he joined the little band in a war of wits." His illness increased, and at one time he thought he was dying. He said his spirit was strong enough, but his body was growing weak; yet weak as his body became, his spirit never deserted him. The ladies of Baltimore, as usual, ministered kindly unto him, and did much to assuage his sufferings. To "Father Douglas," as they called him, they brought cheerfulness and material comfort. He had nothing to offer in return but his blessings and his prayers.

Having been in confinement about six weeks, Mr. Douglas was brought before the Provost Marshal. By this gentleman he was treated with much courtesy, and he ascertained, after having undergone an examination, that there was no evidence against him, and that no written charges had ever been preferred. *He had been arrested and imprisoned on suspicion, prejudice, and the vaguest rumors.* Feeble and sick, but the shadow of his former self, he was released and graciously permitted to return to his home.

But imprisonment had done its fatal work. The seeds of disease had taken deep root, and they continued to grow. He resumed his parochial duties, but he appeared among his people as one stepping along the confines of the grave; and that deep-toned voice which they knew so well, and which had often thrilled them with its power, was weakened and unsteady. The succeeding years of war, bringing with them new trials and difficulties, aggravated his ailment. His sons

were wounded in battle, and false rumors of their death reached his ears time and again. On one occasion, when he went to Hagerstown to seek for news of his eldest son, whose obituary he had read in the papers, he was not permitted to alight from his buggy, his horse was seized and turned toward home, and he was ordered to leave the town. These wrongs were too much for his proud soul and his failing health, and he fast grew wan and weary. A few years had done the usual work of a score. Mr. Douglas was spared to the ministry for a few years longer, but nothing could arrest the fatal disease which had taken hold of him in Fort McHenry. He seemed to know that his end was approaching, but he continued his labors. His family entreated him to retire, and leave his unfinished work to others, but he replied that he would die at his post. He still hesitated in strange unwillingness to cease his ministerial labors; but, on the next Sunday, started to take leave of his people. At Mount Moriah he preached a morning sermon, which his devoted parishioners still speak of as full of truth, humility, and resignation. At Keedysville, on the same day, his congregation looked with surprise on his feeble frame, and listened attentively to the words which impressed them with more than usual solemnity. The venerable man seemed to be conscious that he was speaking to them for the last time, and while they were silent, his earnestness rose for a time above his bodily weakness, and triumphed. The effort was too great: toward the end of his sermon his voice trembled and his sight grew dim, and at its close he sank exhausted into his seat. It was a solemn scene. He had spoken as Elijah might have spoken just as he was raised from earth to heaven. The people dispersed, and their aged pastor was taken to the house of a friend, where he lay for several days, attended by his wife and physicians. He was then removed to his home, where, after lingering a few days longer, he, on the 20th of August, 1867, passed to God, under whose banner he had fought for more than thirty years, and faithfully even unto the end.

A sentinel on the watch-tower of Zion, he fell at his post.

CAPTAIN H. L. SHIELDS.

CAPTAIN H. L. SHIELDS graduated at the United States Military Academy at West Point, in 1845, about the commencement of the Mexican War. He served through that war, was present in seven or eight battles, and was twice brevetted for gallant conduct. After the close of the war, he was attached for several years to Sherman's battery of light artillery, in the 3d Regiment. He afterward served under General Wool, as an aide-de-camp, and acting Judge Advocate of the Eastern Division of the United States Army. He resigned from the army in 1854, and in a few years thereafter took possession of, and has occupied since then, a stock raising farm, near Bennington, Vermont.

One rainy morning in October, 1861, while Captain Shields was engaged with his men in some out-of-door farm-work, a boy rode up from Bennington, (two miles distant,) and informed him that some friends, who proposed going off in the cars in an hour, were anxious to see him before leaving. He immediately ordered his wagon, and, without waiting to change the rough dress he wore, drove rapidly to the village. On reaching the hotel he was shown into the parlor, where a man introduced himself as the United States Marshal for Vermont, at the same time informing the Captain that he had an order to arrest him, and take him to Fort Lafayette. Captain S. was greatly astonished, and inquired who issued the order. The Marshal replied, "The Secretary of State." The order was signed by the Assistant Secretary of State. After a few moments' reflection, the Captain expressed his willingness to accompany the Marshal, but requested him to go with him to his residence, that he might get some clothing. This he refused to do, remarking that he had no time

to lose. The Marshal escorted him to the cars, while a *posse* with the Sheriff of the county proceeded to his house, and demanded of his wife his letters and papers. They entertained themselves for an hour, in examining private papers and letters, hoping, no doubt, to find "*treasonable correspondence*," but in this they were disappointed. The Marshal in the mean time took the Captain to Fort Hamilton, where he was turned over to Colonel Martin Burke, United States Army, who had been his commander in Mexico.

Thence he was taken to Fort Lafayette, and placed in a casemate in which there were numerous heavy guns. This casemate was occupied by some twenty or thirty "prisoners of state." The greater portion of these were prominent members of the Legislature of the State of Maryland. They comprised the *entire Democratic representation* from that body.

Sick and well were alike crowded together in these damp, ill ventilated and unhealthy casemates. The listless *ennui* of prison-life, the grating and heavy iron doors, the bars and chains, the poor fare, the tyranny of the officers, the brutality of the ignorant guards, and the longing for home and friends contributed much to sow the seeds of disease in many of the prisoners. On entering the Fort, Captain S. (like all who were its inmates) was divested of his money, arms, and valuables. He was permitted to join a mess of other prisoners, who had two meals served each day, for which they paid one dollar each *per diem*. The prisoner who had no money fared badly. "The food," says Captain Shields, "which, if well cooked, would have been wholesome and sufficient, was wretchedly served up by the same inexperienced recruits who guarded the Fort." About the first of November an order came to remove the state prisoners to Fort Warren, in Boston Harbor. Many rejoiced at the change, as that Fort was known to be larger, the accommodations for quarters better, and because Colonel Justin Dimick, an old officer, was known to be a Christian and a gentleman, as well as a thorough soldier.

We again quote from Captain S.: "We bade adieu to Fort

Lafayette in the morning, and, after hours of unnecessary delay, we re-embarked at Fort Columbus, on board the steamer 'State of Maine.' On this boat, which years before was considered unseaworthy and unsafe in a gale, without accommodations for sleeping and no preparations for feeding so many men, were huddled together about one hundred 'state prisoners,' several hundred military prisoners, and United States troops as a guard. Fortunately the weather was propitious, and on the evening of the third day we landed on the wharf at Fort Warren. General Dimick and his command (a Massachusetts regiment) did, apparently, all they could to make us comfortable, although he had been instructed to prepare for only one hundred 'state prisoners' At Fort Warren more liberty was granted us for exercise, and the fare was vastly better, while General D. was at all times approachable, and anxious to do all he could, consistent with safety, to make us comfortable."

Captain Shields was discharged from the Fort without trial, and is still ignorant of the charge upon which he was arrested and imprisoned. All the money he had handed over to the commandant at Fort Lafayette was "absorbed in some way," and but for the kindness of General Dimick in furnishing him with funds with which to reach his home, he would have been a sojourner in Boston, among strangers, and without money or friends.

It will be perceived by this unjust imprisonment of Captain Shields, that it made no difference with the Administration of Mr. Lincoln in what capacity a man had served his country; if he did not openly support the "Government," he was at the mercy of spies, informers, and United States Marshals, whose actions were always indorsed by the Administration, whether right or wrong.

WARREN J. REED.

WARREN J. REED was born near the village of Whitelysburg, in Kent County, Delaware, on the 22d day of August, 1836. His father dying when the subject of this sketch was but fourteen years of age, and he being cast upon the world so young and destitute of means, his education was necessarily limited. At his majority he engaged in business on his own account in his native village, which proved unprofitable for the young merchant after a continuance of three years.

Having diligently applied himself to study during his leisure hours, his mind was much improved, and an opportunity presenting itself, he commenced teaching school, and was thus employed at the time of his arrest. At the breaking out of the late war, he was commissioned, by Governor Burton, Justice of the Peace for Murderkill Hundred, Kent County.

Having from his youth taken an active part in politics, being a firm advocate of the State Rights doctrine as enunciated by Jefferson, his outspoken defence of free speech and his bold denunciation of the tyrannical arrests of the Administration made him obnoxious to the Radicals of Delaware; and his galling invectives against their little co-workers in that State, furnished a sufficient pretext, if any were needed, for his arrest, which took place in September, 1862. He was at the time teaching school in Murderkill Hundred. During school-hours, two men — a Sergeant Johnson, of New York, and a Mr. Helverson, a private soldier in a Delaware regiment — stepped into the school-room and inquired if Mr. Reed was present. When informed that he was, they proceeded to make known their business, by first displaying their arms — the one a sabre and musket, the other a revolver. Then informing him that he was their prisoner, they

ordered him to immediately dismiss the school. Permission to visit his home that he might obtain some money and necessary articles was refused him, although the distance was only a mile.

He was then quickly placed in a carriage and hurriedly driven to Felton Station, on the Delaware Railroad. Arriving there, they conducted him to a hotel, with the intention of placing him in close confinement; but upon the intercession of some friends, this rigorous treatment was so far mitigated as to permit him to remain in a room below, with a soldier by his side. When the Wilmington train arrived he was placed on it, and one of the soldiers who had made the arrest took a seat beside him, while the other, who had been joined by a companion, took his seat in the rear.

Arriving at Wilmington at 9 o'clock P.M., he was taken from the train by a squad of soldiers and marched through several streets to a hotel, where he was placed in a small, filthy room in the fourth story, the door carefully locked, and a squad of soldiers placed in the passage-way. After these precautions, the prisoner was deemed safe for the night. Safe he might be, but as for sleep, he could obtain none, the bedbugs and fleas having taken undisputed possession of the room. They considered *their* right prior to his, and looking upon him as an intruder, prepared to welcome him in any other than a complaisant manner. They immediately commenced an attack upon him, in which they battled earnestly for their rights, stoutly contending for every inch of territory until daylight, when they retired in good order, expecting to renew the attack the next night. The soldiers, too, were in the passage, engaged in frequent broils, mingled with oaths, which sounded hideously during the long hours of the night. Morning came at last, and with it some relief. Breakfast was furnished the prisoner about 7 o'clock A.M., of which he was much in need.

Soon after, he was taken into the presence of Colonel A. H. Grimshaw, commanding a Delaware regiment, a man of low and sordid nature, who, feeling that he was "dressed in a

little brief authority," determined to display it. The prisoner, supposing that he was to have a trial, demanded the charges against him, and was informed by the *petit* Colonel, in a voice scarcely audible, that it was all right, or something like that.

Mr. Reed wondered if he were still in the Diamond State of Delaware, or had been transported to Turkey, and whether he was in the presence of an United States officer, or a Cadi of Constantinople. The proceedings seemed to favor the latter, as the laws of Delaware accord to every accused person an examination, face to face with his accusers, the privilege of counsel for his defence, compulsory process for obtaining witnesses in his favor, and a speedy and impartial trial by a jury of his peers; all of which were violated in his person. Instead of a trial, he was commanded to stand against the wall, and there underwent the formula similar to that practised on all condemned culprits, namely, the registering of his height, color of eyes, hair, complexion, occupation, age, residence, etc., which was done with the greatest precision. While anxiously waiting to see what the next thing would be, his ears were greeted with the cry from the outside of the building, "All ready!" which being responded to in the affirmative, he, with two others of the prisoners, was placed in a carriage and started for where they knew not, until their arrival at Delaware City, at about 2 o'clock P.M., when all doubt as to their destination was removed. As a special act of kindness, they were permitted to obtain some food at the hotel, after which a small boat was obtained, and the order given to take them across the channel to the Fort.

The wind was blowing hard at the time, and the water was so rough that the boatmen deemed the passage too dangerous to attempt, and did not wish to go.

But the officer in command ruled otherwise, and Mr. Reed and three or four others were placed in the boat and passed safely over to the Fort, where they arrived about dark, and were immediately ushered into the headquarters of the commandant, Major H. S. Burton, a gentlemanly officer, who in

a few weeks after was relieved of his command for strictly obeying orders from Washington, as will be seen in the sequel. The Major not being in the Fort at the time, the command devolved upon a subordinate officer, who placed them in a room about forty feet in length, by twenty feet in breadth, in the second story of the barrack, with a guard at the door.

It being bedtime, they lay down on the floor. Mr. Reed was fortunate enough to find a small piece of broken box, which answered for a pillow, and, with no covering save the clothing he wore, fell asleep from sheer exhaustion. Awaking at daybreak, before the rest of the prisoners were astir, he arose and took a survey of the room. Here burst upon his view a sight never, it is to be hoped, again to meet the eyes of an American citizen. Stretched lengthwise upon the floor lay three rows of prisoners, each covered with his blanket. That made his bed. In all there were about twenty-five or thirty men—*American freemen*. They were all political prisoners. Not one of them had had a trial or was even charged with a crime. All were the victims of despotic power. He stood for some time contemplating the scene before him, and finally sat down, and, like Ludlow and Sydney, mourned the lost liberties of his country.

The walls of the room had been plastered but a short time previously, which, considering the chill air of September and October without fire, made the situation of the prisoners, not only uncomfortable, but unhealthy.

At meal-times they were marched about two hundred yards to an old tent, where the Confederate prisoners were fed, and sometimes the march was scarcely necessary, as upon several occasions they were handed only a slice of bread in the morning, with neither meat nor coffee, and compelled to subsist upon that the whole day.

At other times they received in addition, for dinner, a tin-cup of *bean-water*, in many instances not having a single bean or any other vegetable in it. This food, to men accustomed to

the comforts of home and of substantial living, *was starvation diet*, and all the prisoners showed the effects of it.

After nearly a month of confinement in the Fort, Mr. Reed was discharged through the intercession of his friends whose frequent applications for his release, to the Secretary of War, Edwin M. Stanton, at last induced that official to issue an order for his discharge. At the same time, George P. Fisher, a Representative of the State of Delaware, but now on the bench of the Supreme Court of the District of Columbia, together with the enrolling officer, John Green, and two other persons, addressed letters to Major Burton, imploring him to hold the prisoner at all hazards and upon their responsibility, until they could get the order for his release rescinded, assigning as a reason that the election was near at hand, and they deemed it absolutely necessary that he be detained, as his release would have a damaging effect. Major Burton paid no attention to their request, but released Mr. Reed, and for his temerity was, on the Monday following relieved of the command of the Fort, and not given another for fifteen months.

Mr. Reed arrived at home on Sunday morning, having been confined nearly a month, much to the detriment of his health. Being arrested to gratify the malice of his political enemies, and having been foiled in their attempt to keep him incarcerated, it is not to be supposed that party vengeance would stop at one outrage.

Nor did it. In June, 1863, while at dinner, he was again made prisoner by a detachment of eight cavalrymen, commanded by Sergeant Wilson, and acting under orders of Colonel Edwin Wilmer — since convicted of appropriating to his private purposes the moneys paid by drafted men for procuring substitutes, and sentenced to the Albany State Penitentiary for ten years; but the sentence never having been carried into execution, he is now living in luxury in Wilmington, Delaware.

At the time of his second arrest, he, together with his family, was grossly insulted. The officer in command of

the squad remarked that, if he had his way, he would hang all such men, and several other remarks of a similar nature.

Mr. Reed was taken to the Fulton Station, and was compelled to walk by the side of the cavalrymen, until a friend kindly took him in his carriage. At the Station he was placed under guard until the train arrived, and was afterward conveyed to Smyrna, the headquarters of Colonel Wilmer. At Smyrna he marched through the streets, which was very fatiguing, as the day was quite warm, and placed in a small dirty room, in the old Quaker church, which had not been used for years, and consequently contained its accumulation of filth. Here he spent the night, with nothing to lie upon, or *anything necessary for his comfort*, nor did he receive any of the necessary articles until some friends kindly furnished them. He was refused the privilege of going out to attend the calls of nature during his confinement of eight weeks, his door being constantly guarded by a soldier with a drawn sabre.

At the expiration of the above-mentioned period, he was taken into the office of Colonel Wilmer, and questioned as to his political opinions, and was told that he could go home, as there was no charge against him; thus clearly proving that both were partisan arrests.

Mr. Reed still holds the office of Justice of the Peace, and is also Notary Public and Commissioner of Deeds. He is again in the mercantile business, with fair prospects of success. Being a sober and steady young man, energetic in business and courteous in demeanor, he is held in high esti mation by his neighbors.

ISRAEL BLANCHARD.

ISRAEL BLANCHARD was born on the 4th day of June, 1825, near Mount Morris, Livingston County, New York. At the age of seventeen he commenced the study of medicine in his father's office, near Buffalo. He graduated and received the degree of M.D. from the Botanic Medical College of Cincinnati, Ohio, in February, 1847. On his return from college he commenced the practice of medicine in Erie County, New York, in which he continued until the spring of 1850, when, in company with many others, he left his home with the intention of going to California, by the Texas overland route. Soon after arriving in Texas, he was taken violently ill with inflammatory rheumatism, which prevented him from travelling for the ensuing few months. Upon his recovery, (his companions having all left him,) he remained in Texas until 1852, when he left that State, and settled in the town of Carbondale, Jackson County, Illinois.

Here he resumed the practice of his profession, which he continued until the fall of 1860. At that time, owing to general debility, induced by the arduous labors of his profession, he removed to Murphysboro', the county seat of Jackson County, Illinois, and commenced the study of the law.

The following spring he was admitted to the bar, and has since continued to practise in that profession with ability and success. During the summer of 1861 the clamor of war resounded through the land. The city of Cairo was filled with Federal troops; Big Muddy Bridge, on the Illinois Central Railroad, in Jackson County, was strongly guarded, and volunteers by the thousands were rushing forward to fill up the ranks of the Federal army. The 18th Regiment of Illinois Volunteers, known as the "infamous 18th," was then sta-

tioned at the town of Anna, on the Illinois Central Railroad. This regiment afterward became notorious for its robberies and murders of women and children.

In August, 1862, while riding in his buggy, in the streets of Carbondale, Illinois, he was met by five men, who presented cocked revolvers at his head, and commanded him to surrender. Considering discretion the better part of valor, he did so, and was taken into custody.

When the Captain of the squad who had thus unceremoniously arrested him, was asked by Blanchard to show his authority for the arrest, he pulled out his revolver, presented it at his head, and replied: "*There is my authority.*" He was then taken to Big Muddy Bridge and placed in the guard-house, to await the Cairo train, which passed down at dark.

Immediately a despatch was sent to the Colonel of the 18th Regiment, stationed at Anna, twenty-five miles distant, stating that Blanchard was in custody, and would pass on the ten-o'clock down train.

When the train arrived at Big Muddy Bridge, Blanchard, with a guard of five men, was placed on it for Cairo. At ten o'clock the train arrived, and stopped at Anna. The 18th Regiment was drawn up in line on the platform of the depot. When the train stopped they gave three cheers for General Prentiss, and immediately afterward three groans for Dr. Blanchard.

The cry was then raised, "*Take Blanchard out and hang him.*" Some of the soldiers attempted to enter the car, but were prevented by the conductor telling them that Blanchard was in the forward car. A rush was then made for the forward car, but not finding him there, they were returning to the rear car, when the train started. As the train moved off, the windows of the rear car were smashed in, but the guard presented bayonets, and thus prevented the soldiers from clambering in the windows until the cars were beyond their reach. The prisoner was then taken to Cairo and handed over to General Prentiss, who, after exacting and receiving his parole of honor that he would not escape,

allowed him the privilege of the city, and required him to report at his office every day, until witnesses could be summoned against him.

Blanchard was kept at Cairo four days, when all the witnesses which had been summoned against him having appeared, an examination was had before General Prentiss.

The charges preferred were, *that he had spoken disrespectfully of President Lincoln*, discouraged enlistment, and attempted to raise a company to burn Big Muddy Bridge.

To the first charge he pleaded "*guilty*," but denied the others. Witnesses were examined who swore that his conversation had a tendency to discourage enlistments.

Whereupon General Prentiss sent him in charge of a lieutenant to the United States Marshal at Springfield, Illinois.

The Marshal refused to receive him, and returned him under guard to General Prentiss at Cairo. He was then immediately liberated by the General and sent home, where he remained, continuing the practice of the law until his second arrest.

In the latter part of July, 1863, while walking the streets of Murphysboro', he was accosted by a man in the uniform of a captain of volunteers, who inquired if his name was Blanchard. Being answered in the affirmative, the captain requested him to accompany him to the hotel, which he did. Upon entering the bar-room of the hotel he was surrounded by five men, having muskets with fixed bayonets.

The captain then informed him that he had been ordered by the United States Marshal to arrest and convey him to Centralia on the next day; that it was a very unpleasant duty to perform, but he was bound to obey "orders."

Upon signifying his readiness to accompany the officer he was allowed an hour in which to prepare for his departure.

At the expiration of that time, all being in readiness, he was taken in a carriage to Carbondale, and thence to De Soto, on a hand-car. Here the captain allowed him to remain on parole over night, to meet him at the train at six o'clock in the morning. He met the officer punctually and went

with him to Centralia. While in the custody of this officer, Captain Howard, he was treated in the most gentlemanly manner. At Centralia he was delivered over to one Major Board, Deputy United States Marshal, who immediately confined him in a room with some ten or twelve other prisoners, to await the arrival of the Springfield train.

When the train was heard approaching, handcuffs were produced, the prisoners driven into one corner of the room, surrounded by a squad of soldiers with fixed bayonets, and *handcuffed* like convicted felons. They were then placed in a private car and taken to the camp at Springfield, where they were detained for two days.

After the expiration of two days, United States Marshal D. S. Phillips appeared, took Dr. Blanchard, and several others, and put them on a train and started for Washington; where, on their arrival, they were immediately consigned to the Old Capitol prison.

Here he remained for six weeks. Mr. Wood, the superintendent of the prison, generally treated his prisoners well, with the exception of fare. After he had been incarcerated about three weeks, the Illinois prisoners (about twenty in number) were placed in a room to themselves, and allowed to buy their own provisions.

From that period until the Illinois prisoners were discharged, they passed their time as well as men could who were kept in close confinement.

After having been imprisoned for six weeks, Blanchard, in company with five others, was taken before the Judge Advocate, when the following conversation ensued:

JUDGE ADVOCATE. What is your name?
ANSWER. Israel Blanchard.
JUDGE ADVOCATE. Where are you from?
ANSWER. From Illinois.
JUDGE ADVOCATE. What are you in prison for?
ANSWER. I do not know.

The Judge then arose, went to a desk, and took out a

bundle of papers, and after looking over them, again turned to the prisoners:

JUDGE ADVOCATE. Do you belong to the Knights of the Golden Circle?

ANSWER. I am not acquainted with any such organization.

JUDGE ADVOCATE. Have you ever belonged to any secret organization?

ANSWER. I have belonged to the Odd Fellows, and the Sons of Temperance, and I once joined something that was called the Know-Nothings.

JUDGE ADVOCATE. I do not mean that: do you belong to any political organization.

ANSWER. I do: I belong to the Democratic organization.

JUDGE ADVOCATE. Where do you meet?

ANSWER. We usually meet at the Court House, in Murphysboro', Illinois.

JUDGE ADVOCATE. Do you meet at night, or in the daytime?

ANSWER. Sometimes we meet at night, and sometimes in daytime.

JUDGE ADVOCATE. Do you have any secret signs or passwords by which you are admitted?

ANSWER. We have none.

JUDGE ADVOCATE. What do you do there when you meet?

ANSWER. We appoint committees for different purposes, attend to our own political business, and concoct measures to beat the Republicans at the election.

JUDGE ADVOCATE. Were you, in June last, at a meeting of the Golden Circle, near Pinckneyville, Perry County, Illinois?

ANSWER. I was not; I have not been in Perry County in two years, except to pass through it on the cars.

QUESTION BY BLANCHARD. Judge, I would like to see those papers, or would like to have you tell me who has made complaint against me, and what the charges are?

ANSWER BY JUDGE ADVOCATE. We have made it a rule not to let prisoners see the papers filed against them, nor to tell them who made complaint against them, or what the charges are, as it might lead to unpleasant consequences hereafter.

This ended the examination, and he was immediately dis-

charged, without knowing why he was arrested and imprisoned, what the charges were against him, or who made them, if any were ever made. He was furnished with transportation, and permitted to return home.

Arriving at home, he was immediately nominated by the Democratic party for State Senator, for the Third Senatorial District of the State of Illinois, and was in the following November elected by 3,000 majority.

On the first Monday of January, 1864, he took his seat in the State Senate, and served the people well and faithfully during that stormy session of the Illinois Legislature. After the close of the session, in March, 1864, he returned to his home at Murphysboro', Illinois, where he is busily engaged in the practice of his profession, and still continues to be a sterling advocate of the principles of Liberty and Free Government.

DENNIS HICKEY.

AMONG the many other victims of despotism confined in Fort Lafayette was a poor Irishman, named Dennis Hickey.

He was apprehended in his potato patch, in Chester County, Pennsylvania. He was not permitted to go to his house in order to procure a decent suit of clothes; but was taken in his dirty and torn shirt and pants, and crownless old straw-hat, and lodged in Fort Lafayette as a political prisoner. Poor fellow! he seemed to feel that he was like a "cat in a strange garret." The idea that this poor laboring-man could be dangerous to an Administration with nearly a million of soldiers, seemed more like one of Lincoln's jokes than a reality. The charge against him was, that he would not turn informer upon his Democratic neighbors.

It seems that some Republicans in his neighborhood wished to find evidence that certain Democrats in that locality had discouraged enlistments. They wanted Dennis Hickey to tell what he knew about them. "*I did not come to this country to turn informer*," was his indignant answer; and for this honest, manly, Irish sentiment he was seized, and consigned to Fort Lafayette.

The other prisoners sympathized deeply with poor Dennis, and contributed from their own clothing to dress him in a decent suit until he could supply himself from home. After some six weeks of confinement in the Fort, without any trial, Dennis was discharged upon taking the oath, or as it was called in the Fort, "*kissing Lincoln's great toe.*"

The following letter, written by Mrs. Dennis Hickey to her husband, while he was a prisoner in Fort Lafayette, reveals the position and honest character of poor Hickey, and

the insufficiency of the reasons assigned for his arrest. It is as follows:

"NEW LONDON, Sept. 21, 1862.

"DEAR DENNIS: I take the present opportunity of writing these few lines to you, hoping that they may find you as well as they leave me and the children. Thanks to God, I received your first letter on the 5th, and was glad to hear that you were alive. Then I made no delay, but sent you, as you told me, John Mullin's carpet-bag, and it full of clothes, and a letter with five dollars. I sent them on Monday, the 8th, by express, and had to pay a dollar for them. I was full sure you had got them by this time. Robert Kelton gave me a receipt for them, and I want you to get some one to see if they are there, and if they ain't, please write to me soon again, so I may look after them. I did not know any one there to direct in care of, so I directed them to 'Dennis Hickey, Fort Lafayette.' Dear Dennis, I was very uneasy then, until I received your second letter, on Saturday, the 20th, which gave me great pleasure to know that you were still alive, for I thought, to be sure, you were killed. Dear Dennis, I cannot tell you how much trouble I have been in about you, since you have been *stole* away. I set up all that night waiting for you, expecting you home, and as soon as I seen the first peep of day, I went to New London and inquired if there had been such men there, and they told me they did not see them. I was sure they had taken you out in the woods somewhere and killed you, until Peter Mungen told me you had been arrested, and was in the jail of Philadelphia; but I did not know what it was for until I got a letter from one of the officers that took you, stating that you had been arrested by order of the War Department, and would be sent to Washington. I was told that they were *very well paid for stealing you.* The neighbors were opposed to your being kidnapped in that way. Then I got a petition wrote, and the neighbors signed that — allowing that they had never, in conversation with you, heard you say anything against the North. We are going to send that to the Commander-in-chief of Fort Lafayette. The enemies have put it in the paper that you abused Joel Conrad when he came to enroll your name; but Joel Conrad denied that in the paper, and said that Dennis Hickey was as civil a man as he met with. All my trouble is

about you, that I do not know how you are treated there. Write to me as soon as you get this, and tell me if I went there would I be allowed to see you. It grieves me very much to have you taken away in your dirty clothes; and did you not get any change of clothes since you were stole away? I cannot rest and content myself and have you be there; but putting my trust in Almighty God that you will soon be home. John Mullin's arm is getting better, and he has been working here since you were stolen away. We got the potatoes out, and Elijah Thompson drilled the wheat in yesterday; Elijah threshed the wheat and the oats. The neighbors are all well. Joel Conrad, James Michener, and a good many others have gone to Harrisburg and Chambersburg at the call of the Governor. So no more at present, but remain yours truly until death.

"ELLEN HICKEY."

Can anything be more touching and truthful than this recital of wrongs perpetrated upon these poor but honest people? Poor woman, well might she think that her husband, who had been thus ruthlessly stolen from his potato patch, had been "*kilt intirely.*" Shame upon an Administration that could thus invade the poor man's sanctuary!

REV. JUDSON D. BENEDICT.

REV. JUDSON D. BENEDICT is about sixty-one years of age, of fine physical and intellectual appearance. He is a minister of the Gospel, of the Campbellite persuasion, and was born and reared in the State of Vermont. He had not voted for fifteen years prior to his arrest, which took place at his residence in East Aurora, Erie County, New York, September 2, 1862.

On Sunday, the 31st of August, he preached a farewell sermon to his congregation at Aurora, which numbered some three or four hundred persons. His text was taken from "CHRIST'S SERMON ON THE MOUNT." The objectional part of the sermon was the fact, that he had given it as his opinion that the command of the New Testament was explicit that Christians should not engage in wars of any kind. He referred to the Constitution of the State of New York, which granted military exemption to Quakers, and said he saw no reason why his brethren should not obtain like immunity.

If such were not granted in the case of a draft, he advised his brethren not to resist it, but rather, as law-abiding citizens, to submit cheerfully to any penalty the law might impose. He said that there was no binding rule of the church; that a majority of its members held a different opinion; and that the subject was one for every man to decide for himself, according to his understanding of the word of God. On Monday, a complaint was made to Deputy Marshal A. G. Stevens, that Rev. Mr. Benedict had uttered seditious language "tending to discourage enlistments," and requesting him to come to Aurora and obtain the proof.

Mr. Stevens went to Aurora on Monday night. At a

private house that night and the next morning he took the affidavits of four persons, neither of whom were members of Mr. B.'s church. The contents of these affidavits are to this day unknown, the Marshal having repeatedly refused to fur nish the prisoner or his counsel with copies of them. During the preceding winter, the Rev. George B. Cheever preached a sermon at the Church of the Pilgrims, in New York, to about two thousand people, and published the same, in which he insisted that the policy of the President, in prosecuting the war, was to restore the Union as it was, and that, if successful, it would leave slavery unabolished; that therefore no Christian, in any way, could give aid to the Administration in the prosecution of the war against the rebels, without sinning against God. Although listened to by many leading citizens who favored the Administration, and disapproved by them, none ever thought that Mr. Cheever could be arrested for the sentiments he had expressed. Yet it was a strong denunciation of the war, and tended more toward discouraging enlistments, delivered as it was in a city, and before five times the number of people, than any sentiment contained in the sermon which caused the arrest of Rev. Mr. Benedict.

On the supposed evidence contained in these (mute) affidavits, Marshal Stevens arrested Mr. Benedict at his residence, before breakfast, on Tuesday morning, September 2. He took him to Buffalo, and confined him in the guard-house at Fort Porter, with other political prisoners as companions in tribulation. Mr. Benedict says: "One was a 'wild Irishman,' of no possible utility but to cut bog and consume bad whiskey; the other, an old German of some seventy years of age, who could not speak three words of the English language; and the third a crazy man by the name of Clark, whose business appeared to be selling 'wooden nutmegs' and other New England indispensables." They had all been arrested for "using language tending to prevent enlistments."

He remained immured in the filthy guard-house until

Wednesday morning at 11 o'clock, without having food or drink offered him. At noon he was transferred to the county jail, by order of the Marshal. During the transit, "*handcuffs*" were applied to the other prisoners, but he was spared the indignity, and permitted to accompany his custodians without wearing Mr. Stanton's official and ornamental jewels.

On the 3d of September, his counsel, Mr. Albert Sawin, of Buffalo, applied to several Federal officers and citizens for letters to the Secretary of War, recommending his release. These they all refused. He then applied to Deputy Marshal Stevens for a like recommendation. The Marshal refused, saying that he had "discretion to exercise in arresting," but that he had "no power to discharge." Whereupon Mr. Sawin said to him, "but the War Department, upon being advised by you that the Government would be strengthened by his discharge, would undoubtedly be governed by your opinion, and order his release."

To which he replied, "I shall make no such recommendation."

The question here arises, "Should a man, under any circumstances, do that which conflicts with his conscience or is against good morals." If a superior makes an order, should an inferior obey it right or wrong? Only he who is mercenary in all the affairs of life, would permit his integrity to be influenced by the mandate of a superior, when he was conscious the order under which he acted was contrary to his own sense of justice.

The following statement, signed by a large number of the prominent citizens of Aurora, was then presented to Marshal Stevens. The loyalty and integrity of the subscribers were certified to by Judges Hall and Sheldon:

"We, the undersigned, would respectfully represent to the proper authorities, (if they can be reached,) that we are pained to learn that Rev. J. D. Benedict was arrested on Tuesday morning, for preaching a sermon in Aurora, on Sunday last, which sermon, it is alleged, was calculated to discourage enlistments. We, the

undersigned, attentively listened to said sermon, and can put no such construction on it.

"AURORA, September 3, 1862.

GEN. AARON RILEY,	ROBERT PERSON,
HORACE HOYT,	WM. D. JONES,
DANIEL D. STILES,	TIMOTHY PAINE,
SABINA POTTER,	WM. B. PAINE,
ALONZO HAVENS,	ISAIAH PHILLIPS,
HARRY H. PERSON,	REYNOLDS COLE,
NEHEMIAH SMITH,	JOHN P. WILSON,
EPHRAIM WOODRUFF,	HORACE PRENTICE,
DORR SPOONER,	N. A. TURNER,
WHIPPLE SPOONER,	JONATHAN SMITH,
EDWARD SPOONER,	HUGH MINTON,

together with numerous ladies, members of the church and congregation."

Mr. Sawin further inquired of the Marshal, "Will you certify to the good character of the people of Aurora, who have signed that statement?" This he obdurately refused to do. He then applied to the Supreme Court for a writ of *habeas corpus*, which was refused him by two of the three Judges on the bench. Judges Noah Davis, of Albion, and James G. Hoyt, of Buffalo, refusing the writ, while Judge Martin Grover, of Angelica, dissented. He then, on the same day, requested Deputy Marshal Stevens to informally consent to, or not oppose an allowance of a writ of *habeas corpus* by Judge Hall, for the sole purpose of enabling Mr. Benedict to give bail; that he could give bail, to the amount of $50,000, to comply with any condition the Federal officers might impose. Stevens replied he would consent to no such thing, and *he would "disobey any order for his release on bail, which Judge Hall might make."* And yet, in the case of Mr. Barker, of Gowanda, such bail, with the consent of a Deputy Marshal of Buffalo, had been given, and Barker released. Mr. Sawin soon after had an interview with Marshal Chase, who proposed that, on a future day, witnesses should be examined on both sides, before a Federal commissioner, in the

regular way, by examination and cross-examination in public, and he would forward their depositions to Washington. This Mr. Sawin agreed to, and on the day fixed, several men and women who heard the sermon that occasioned Mr. Benedict's arrest appeared as witnesses. But instead of being examined publicly, Marshal Chase insisted that the affidavits should be drawn in private; that each witness should be brought to his private room, when he would cross-examine them in private, which might be written down as a part of their depositions. This was agreed to, and five hours were spent by the prisoner's counsel in the work. When finished, Marshal Chase said that he might forward the papers, and he would write to the Department, recommending the restoration of the prisoner to liberty.

Mr. Sawin took the affidavits drawn by Marshal Chase, with his consent, to his office, and directed his student to copy them. In about fifteen minutes afterward, and during Mr. Sawin's absence, Deputy Marshal Grant entered the office and said to his student: "The Marshal has sent me for those depositions."

The latter replied: "I am copying them."

Grant then took them from the table and proceeded to the Marshal's office, accompanied by the student, Mr. Miller, who said to Stevens: "I am copying the papers." Stevens replied "there was no use of copying them, and Sawin knew it; and Sawin could not make any damned political capital of it. I want the papers to send off immediately, and if Sawin wants a copy of them, he can take them and go to h—l with them." But he nevertheless retained them.

The family and friends of Mr. Benedict waited for a week after this for word from Washington, but none came. The papers of Noah B. Clark, who had been committed for "discouraging enlistments," had been forwarded to Washington by the United States Marshal two days later, and he was released.

After the release of Clark, and being unable to learn that there was any prospect of voluntary action on the part of

the Marshal or the Secretary of War for the prisoner's discharge, Mr. Sawin, at the request of Mr. Benedict's family and friends, presented the papers to Judge Hall for a writ of *habeas corpus*.

For the benefit of our readers, we give the subjoined copies of such papers, together with the writ and proof of service, the return of Best and Stevens, the order of Judge Hall on Chase, the first petition for a writ of *habeas corpus*, and the papers accompanying the same:

To the Hon. Nathan K. Hall, *United States District Judge for the Northern District of New York.*

"The petition of Judson D. Benedict shows:

"That he is now confined and restrained of his liberty in the jail of the County of Erie, by William F. Best, the keeper of said jail.

"That your petitioner is not committed or detained by virtue of any process issued by any Court of the United States, or any judge thereof, or by virtue of the final judgment or decree of any court, or by virtue of any process of any kind or description.

"That the only cause of such detention by said jailor is a paper delivered to him by A. G. Stevens, Deputy United States Marshal, a copy of which is hereto annexed, marked schedule (A).

"That A. G. Stevens arrested your petitioner at Aurora Tuesday morning, the 2d of September inst. All he said to your petitioner at the time of arrest was: 'I have an unpleasant duty to perform; I have come to arrest you. I suppose you are willing to go with me without opposition?' Your petitioner replied, 'Most certainly.' Said Stevens then took deponent to Fort Porter, and left him there, where your petitioner stayed until removed to jail.

"Said Stevens showed no paper to your petitioner, nor did he state any cause for such arrest.

"Your petitioner has neither by act nor speech been disloyal to the Constitution or laws of the United States, or been guilty of any violation of any order of the War Department, or of the President of the United States, or been guilty of any offence or act subjecting him to arrest.

"That your petitioner alleges, that such arrest and imprison-

ment are illegal, for the reason that he has not been charged with any offence known to the laws, no process has been issued by any court or magistrate for his arrest; and deponent refers to annexed affidavit of Albert Sawin, his counsel, for the only pretence for his arrest given by the United States Deputy Marshal.

"Your petitioner therefore prays your Honor to direct and authorize the issuing of a writ of *habeas corpus*, to be directed to said A. G. Stevens, such Deputy Marshal of the United States, and William F. Best, aforesaid jailor of the County of Erie, directing and requiring said Deputy United States Marshal and said jailor to produce the body of your petitioner before your Honor, that the cause of such imprisonment may be inquired into, and your petitioner may be set at liberty.

(Signed) J. D. BENEDICT."

"THE UNITED STATES OF AMERICA,
The Northern District of New York, } ss.
County of Erie.

"Judson D. Benedict, being duly sworn, says that he has heard the foregoing petition signed by him, read, and knows the contents thereof, and the same is true of his own knowledge.

(Signed) J. D. BENEDICT.

"Sworn to before me, this 15th day of September, 1862.

(Signed) P. G. PARKER,
U. S. Commissioner for Erie Co."

("A")

"MARSHAL'S OFFICE,
Buffalo, September 2, 1862.

"David M. Grant will take from Fort Porter, Thomas Cummings, James Parker, Antoine Quanliet, Noah B. Clark, and Jared Benedict, prisoners confined there, committed under orders of the War Department, and remove them to the Erie County jail for safe-keeping, and there detain them until further order, and the sheriff or jailor of said county will keep them, until further order, in said jail.

(Signed) A. G. STEVENS,
U. S. Deputy Marshal

"To COL. E. P. CHAPIN, and the
Sheriff and Jailor of Erie County."

"UNITED STATES OF AMERICA,
Northern District of New York,
County of Erie. } ss.

"Albert Sawin, counsellor at law, being duly sworn, says that, at the request of the above-named Judson D. Benedict, on the 3d day of September inst., he inquired personally of Deputy United States Marshal Stevens, at his office in Buffalo, if he arrested said Benedict by virtue of any order, process, or paper. He said he did not, but he showed deponent a slip cut from a newspaper, printed, a copy of which is hereto annexed, and said that printed slip was his only authority for the arrest of said Benedict.

(Signed) ALBERT SAWIN

"Sworn this 15th day of September, 1862.

(Signed) P. G. PARKER, U. S. Commissioner."

"WAR DEPARTMENT,
August 8, 1862.

"ORDERED:

"*First.* That all United States Marshals, and Superintendents and Chiefs of Police of any town, city, or district, be and they are hereby authorized and directed to arrest and imprison any person or persons who may be engaged by act, speech, or writing in discouraging volunteer enlistments, or in any way giving aid and comfort to the enemy, or for any other disloyal practice against the United States.

"*Second.* That immediate report be made to Major L. C. Turner, Judge Advocate, in order that such persons may be tried before a military commission.

"*Third.* The expense of such arrest and imprisonment will be certified to the Chief Clerk of the War Department for settlement and payment.

(Signed) EDWIN M. STANTON,
Secretary of War."

INDORSEMENT ON PETITION.

"NORTHERN DISTRICT OF NEW YORK, ss.

"On the within petition I allow a writ of *habeas corpus*, to be directed to Albert G. Stevens, United States Deputy Marshal, and William F. Best, the keeper of Erie County Jail, and made

returnable on the 18th day of September inst., at 10 A. M., before me; and I direct the Clerk of the District Court to prepare the writ, that I may indorse an allowance thereon.

(Signed) N. K. HALL,
U. S. District Judge.

"Dated September 15, 1862."

THE WRIT OF HABEAS CORPUS.

"THE PRESIDENT OF THE UNITED STATES OF AMERICA,

[L. S.] *To Albert G. Stevens, Deputy Marshal of the United States, and William F. Best, the Keeper of the Erie County Jail, Greeting:*

"You are hereby commanded, that you have the body of Judson D. Benedict, by you imprisoned and detained, as it is said, together with the time and cause of such imprisonment and detention, by whatsoever name the said Judson D. Benedict shall be called or charged, before the Honorable Nathan K. Hall, District Judge of the United States for the Northern District of New York, at the United States Court-room, at the corner of Washington and Seneca Streets, in the City of Buffalo, in said Northern District of New York, at ten o'clock in the forenoon of the eighteenth day of September, in the year of our Lord one thousand eight hundred and sixty-two, to do and receive what shall then and there be considered concerning the said Judson D. Benedict. And have you then and there this writ.

"Witness, the Hon. Nathan K. Hall, Judge of the District Court of the United States for the Northern District of New York, at the city of Buffalo, the sixteenth day of September, in the year of our Lord one thousand eight hundred and sixty-two.

(Signed) GEO. GORHAM, Clerk."

INDORSEMENT.

"NORTHERN DISTRICT OF NEW YORK, ss.

"The within writ, on petition of the within named Judson D. Benedict, has been allowed, and hereby is allowed by me, in pursuance of the statute in such case made and provided, September 16, 1862.

(Signed) N. K. HALL,
District Judge of the United States, for the Northern District of New York."

THE JAILOR'S RETURN TO THE WRIT.

"To the Hon. Nathan K. Hall, *Judge of the United States for the Northern District of New York:*

"The statement of William F. Best respectfully showeth:

"That he is now, and since the first day of September instant has been the keeper of Erie County Jail. That on or about the third day of September instant, he received into said jail one Judson D. Benedict, by the name of *Jared* Benedict. That he received him under and by virtue of a written order signed by A. G. Stevens, as a Deputy Marshal of the United States, of which a copy is hereto annexed, and not otherwise. That since he so received the said Benedict he has held and now holds him by virtue of said order, and no other order or process; that he has held and so holds him as the bailee or custodian of said Deputy Marshal and his principal, and not otherwise. That on or about the sixteenth day of September instant, he was served with a writ of *habeas corpus*, issued by your Honor, directed to said A G. Stevens, and to him the said William F. Best, as keeper of the Erie County Jail, commanding them, among other things, to bring and have the body of the said Judson D. Benedict, and said writ before your Honor as such Judge, on the eighteenth day of September instant, at 10 o'clock A.M., at the United States Court-room, in Buffalo. That in obedience to said writ, it was the intention of me, the said William F. Best, in good faith, to bring and have the body of the said Benedict before your Honor at the time and place last aforesaid, as by the said writ commanded, and to that end I, the said William F. Best, had made and annexed to said writ my return thereto, which return comprised a copy of the order under which said Benedict was held by me, and a statement that it was by virtue of that alone that I held him, and that I produced the body of said Benedict before your Honor, as by the said writ commanded. That this morning, at about the hour of half-past nine o'clock, in the office of Edward I. Chase, the Marshal of the United States for the Northern District of New York, in Buffalo, the said Edward I. Chase asked me to let him take and look at said writ and return. That not suspecting bad faith on his part, and believing that he would return the same to me, and at the suggestion of Asher P.

Nichols, my counsel, I handed the same to him. That after examining the same he said it was his writ, and refused to return it to me. That thereupon, I made a formal demand on him for the same, which demand he refused to comply with. That having no writ, I cannot have here the said writ or make a formal return thereto, as by the said writ I was commanded; nor can I have the body of said Judson D. Benedict here, as commanded by said writ, for the reasons above stated.

"Dated, September 18, 1862.

(Signed) WILLIAM F. BEST.

"NORTHERN DISTRICT OF NEW YORK, ss.

"William F. Best being sworn, says he is the person described in and who signed the within statement; that he has heard the same read and knows the contents thereof, and the same is in all respects true, as he verily believes.

(Signed) WILLIAM F. BEST.

"Subscribed and sworn this 18th day of September, 1862, before me.

(Signed) N. K. HALL, U. S. District Judge."

"UNITED STATES OF AMERICA,
Northern District of New York, } ss.
County of Erie,

"Albert Sawin, being duly sworn, says he is counsel for Judson D. Benedict, named in a writ of *habeas corpus*, a copy of which is hereto annexed, and also a copy of original order of allowance indorsed thereon.

"That on the sixteenth day of September inst., he served the said writ of *habeas corpus*, with said copy and order, upon Albert G. Stevens, the Deputy Marshal therein named, by delivering a copy of the same, and of said order of allowance, so indorsed personally, to said Stevens personally, at the city of Buffalo, and at the same time showing him the said original writ, and said original order, indorsed thereon. That on the same day he delivered to said William F. Best, keeper of the common jail of the County of Erie, personally, said original writ, with said order indorsed thereon. That this morning, about the hour of eight o'clock, deponent paid to said William F. Best, two dollars and

fifty cents, being the fees named by him, allowed by law for the return to and execution of said writ, who received the same.

"That on the morning of the 17th day of September inst., deponent was present at an interview between said Stevens and said Best, in which said Stevens told said Best he had received instructions from the War Department to resist said writ, and he, said Stevens, directed said Best not to obey it, such being the order of the War Department. Deponent said, 'Of course Mr. Best will obey the writ, and bring Benedict before Judge Hall.' Said Stevens said he would have a force to prevent. Deponent said, 'Mr. Best, I will be present to-morrow morning as one to assist you in obeying said writ, though at the peril of being shot.' Said Stevens replied, '*Then you will be shot, and I will report you to the War Department.*'

"Deponent further says, that this forenoon he inquired of said Stevens what fees he demanded for making return to said writ of *habeas corpus*, and informed him he, deponent, was ready to pay the same; the only reply he made was, 'No matter.'

(Signed) ALBERT SAWIN.

"Sworn and subscribed this 18th day of September, 1862.

(Signed) A. P. NICHOLS, U. S. Commissioner."

DEPUTY MARSHAL STEVENS'S RETURN TO WRIT.

"TO THE HON. NATHAN K. HALL, *District Judge of the United States for the Northern District of New York:*

"The annexed paper was delivered to me. It purports to be a writ of *habeas corpus*. It is not under the seal of the Court; the signature to the same is not the handwriting of the Clerk, nor is the signature to the allowance indorsed on the same in the handwriting of your Honor, nor is it certified to be a copy of an original process. I understand that an original writ was served upon, and is in the hands of William F. Best, one of the persons to whom the same is directed; the said Best refuses to allow me to have said writ, or recognize any authority on my part to the prisoner therein named, or to allow me to have the custody and control of the prisoner, and claims that he alone should make return to said writ. I would further state that said prisoner was legally arrested by me by authority of the President of the United States, and delivered by me in custody,

under such authority, in the jail of Erie County, where I placed him for safe keeping merely, and where he now is, and that I still have lawful right to said prisoner; but the jailor of said Erie County jail, on demand of said prisoner this day made by me of him for said prisoner, refused to deliver said prisoner to me, as he rightfully and lawfully should do. I further state that no return made by said Best, to said writ, can present the true facts of the case, or the cause of the detention of said prisoner.

(Signed) ALBERT G. STEVENS.
U. S. Deputy Marshal."

IN HABEAS CORPUS.

"*In the Matter of Judson D. Benedict.*

"It appearing to my satisfaction, by the affidavit of William F. Best, that Edward I. Chase, now present, has received from him, on request, and detained from him, against his will, the writ of *habeas corpus* heretofore issued in this matter, (and directed and delivered to said William F. Best,) and thereby prevented his obedience to said writ; I hereby order and direct the said Edward I. Chase to deliver the said writ to the said Best, or to the undersigned, or show cause, before me, at the United States Court-room in Buffalo, at half-past two o'clock this afternoon, why he shall not be committed for a contempt.

N. K. HALL,
"September 18, 1862. U. S. District Judge."

Albert G. Stevens, Deputy Marshal, was made a party as well as the jailer, who had his actual custody. The return of Stevens is a curiosity. The object of making Stevens a party was to enable him to produce any evidence showing Benedict had done anything worthy of bonds. He declined to do this. Marshals Chase and Stevens had previously declared that Jailer Best should not take Benedict from the jail to Judge Hall's court-room, and they would use force to prevent it. Accordingly, in the absence of the Colonel of the regiment, Marshal Chase procured from Camp Morgan a company of soldiers, and placed them in the vicinity of the jail for the purpose of executing that threat. The friends of the jailer, Best, were likewise in the vicinity in sufficient numbers to

enable him to obey the writ, no matter how much force the Marshal might have obtained. However, without opposition, the loyal jailer was permitted to obey the writ.

"U. S. DISTRICT COURT.—*Judge Hall presiding.*
September 18th.

"The case of the writ of *habeas corpus* commanding A. G. Stevens, Deputy United States Marshal, and Wm. F. Best, Jailor, of Erie County, to produce the body of Rev. Judson D. Benedict in court, was before the court.

"A. Sawin made a statement of the service of the writ of *habeas corpus* upon the jailor of the Erie County jail.

"A. P. Nichols, Esq., the attorney for the jailor, made a return, stating that the jailor had handed the writ of *habeas corpus* to United States Marshal Chase, by the advice of his attorney, and that Mr. Chase had refused to return it to him, and that it was impossible to return either the writ or the prisoner.

"United States Marshal Chase claimed that the prisoner was in his custody, having been arrested by order of the President, through the Secretary of War; that the jailor was simply a machine, and that he was the proper custodian of the prisoner.

"This was the position taken by United States District Attorney Dart.

"Mr. Nichols claimed that the prisoner was now held by the jailor by virtue of the writ of *habeas corpus*, and that he could not surrender him until that writ was vacated.

"After a somewhat extended argument, Judge Hall made an order that Marshal Chase return the writ to the jailor; and that he make a return at two and a half o'clock, etc.

"The court adjourned till that hour."

During the recess of the court, Marshal Chase offered to deliver up the writ of *habeas corpus*, which he had withheld from Jailer Best, on the condition that the jailer would deliver the prisoner into his custody. This the jailer refused; and before two o'clock Marshal Chase surrendered the writ, evidently not wishing to disobey the order of the court.

The jailer, now being in possession of the writ, took the prisoner, in company with Sheriff Best, and escorted him to

the court-room, where he was cordially greeted by many of his friends.

"United States Marshal Chase came into court and delivered to the Judge a return to the writ of *habeas corpus*, setting forth by what authority his deputy had arrested the prisoner, and that the writ of *habeas corpus* having been suspended, and he ordered to resist any attempt to execute it, he could not obey the order of the court. This was understood to be the substance of the return.

"Marshal Chase requested the jailor to give him a copy of the order of the court compelling him to return the writ.

"The Judge said a copy would be furnished him.

"A. P. Nichols, Esq., then made the proper return to the writ, and produced Rev. J. D. Benedict in court.

"United States District Attorney Dart said, that a turnkey had in some way obtained possession of a United States prisoner, arrested by order of the President of the United States, through the Secretary of War, for uttering seditious language, or language calculated to weaken the confidence of the people in the Government. In such cases, the President suspended the writ of *habeas corpus*, and ordered *that forcible resistance be made to its execution.* He hoped that the occasion for arrests under this order had ceased, and that there would be no conflict of jurisdiction in this case. He asked the suspension of proceeding until Tuesday following, trusting that the matter might be satisfactorily arranged before that time.

"Albert Sawin opposed the postponement. It was important that the great question of personal liberty, in connection with the arbitrary arrests, should be disposed of by a legal tribunal.

"Judge Hall said the real question at issue was whether the President *had the power to suspend* the writ of *habeas corpus*, and if this was the question to be argued, the time asked was not unreasonable. He was anxious that the matter should be fairly canvassed, and a conflict of authority avoided. He would, therefore, grant the request of the United States District Attorney, and adjourn the case to Tuesday next, September 23, at 11 A.M., meanwhile the prisoner to remain in the custody of the jailor, to be again produced in court at the time named.

"The District Attorney desired the Judge simply to remand the prisoner, without naming the custodian.

"Mr. Sawin opposed this. The Marshal wished to gain possession of the prisoner for the purpose of placing him in military custody, and beyond the jurisdiction of the court.

"A. P. Nichols, Esq., asked the court to make an order stating by what authority the jailor held the prisoner, whether by order of the Marshal, or under the writ of *habeas corpus* and the order of this court. He wished the duty and the authority of the jailor clearly defined.

"Mr. Dart desired that the court would make no such order, but simply remand the prisoner. He thought the court ought to have confidence in the Marshals, and believed they would respect the court.

"Judge Hall said the custody of the prisoner will continue with the jailor as it is now. The prisoner is now held by virtue of the writ of *habeas corpus*. He is removed from the custody of the Marshal or Deputy Marshals, and neither of them can interfere with him until the hearing and determination of this writ.

"Marshal Chase wished to know whether his authority in this case was at an end.

"The Judge replied, that he had as much and no more to do with it than any other citizen. If he, or any other man, knew of any crime the prisoner had committed, it was his duty to inform against him, that he might be punished according to law. It was especially the duty of the United States District Attorney to ascertain the facts and proceed against him, if he had been guilty of any violation of the laws of the land."

The following is the copy of the order of Judge Hall in the case:

"ON THE HABEAS CORPUS

"*In the Matter of Judson D. Benedict.*

"The said Judson D. Benedict having this day been brought before me by W. F. Best, the keeper of the common jail in the County of Erie, in obedience to the annexed writ of *habeas corpus*, and the hearing under the said writ, and the return made thereto, having, at the request of the Hon. Wm. H. Dart, United States District Attorney, been adjourned until Tuesday, the 23d day of September, at eleven o'clock in the forenoon, it is hereby ordered,

on the motion of the counsel for the defendant, that the said Judson D. Benedict be and he is hereby remanded and committed to the custody of Wm. F. Best, as such jailor, to be kept and detained by him under the authority of such writ of *habeas corpus*, and this order, until the time to which said hearing is so adjourned; and that said Wm. F. Best produce and bring the body of the said Judson D. Benedict and the said writ of *habeas corpus* before the undersigned, at the United States Court-room, in the city of Buffalo, on the 23d day of September inst., at 11 o'clock A.M., then and there to do and receive what shall then and there be considered in that behalf.

(Signed) N. K. HALL,
U. S. District Judge.

"September 18, 1862."

After the necessary papers were made out, Rev. Mr. Benedict walked, in company with Mr. Best, back to his apartments at the jail. It was rumored that the Marshal would attempt the rescue of the prisoner, but this was unfounded.

"U. S. DISTRICT COURT. — *Buffalo, September 23d*, 1862.

.... "Shortly before 11 o'clock, the prisoner appeared in court, in company with the jailor, Wm. F. Best. A. P. Nichols, Esq., attorney for the jailor, handed up the original writ of *habeas corpus*, with the order of the Judge, remanding the prisoner to jail, engrossed upon it.

"The court did not understand that any demurrer had been made to the writ as returned, or issue taken on the facts stated in the return.

"Albert Sawin, Esq., claimed that the return, as made, stated in what manner the prisoner was arrested and was held, sufficiently clear to enable the court to determine that the arrest is illegal, and that the prisoner should be discharged.

"The court inquired if the United States District Attorney was to be present, and directed the officer of the court to inquire if the District Attorney desired to be heard in the case.

"Marshal Chase soon after appeared in court, and held a conversation with Judge Hall, which was not audible. After the close of the interview, the Court announced that the U. S. District Attorney did not propose to appear, or to make any further state-

ments to the Court, or furnish any proofs in the case; that neither the Marshal nor his Deputy, Stevens, would appear; and that, so far as they were concerned, the case was left to the Court in its present condition.

"The Court desired to say to any person and to all persons present, that if they knew of any crime that the prisoner had committed against the laws of the United States, or any cause of arrest, other than that set forth in the return, they should make it known. He had prepared an opinion in the case, embodying its legal bearings, which he should publish as his justification."

The opinion of Judge Hall, discharging the Rev. Mr. Benedict on writ of *habeas corpus*, is replete with learning and research, and we regret that want of space prevents us from presenting it to the reader in full. He refers to English and American statutes and constitutions from the settlement of England by the Saxons to the present time, and cites from the Magna Charta, the Petition of Right, the Bill of Rights, the Act of Settlement, and quotes from Hume, Hallam, Blackstone, Story, and other authors. He refers to the decisions of the purest and ablest jurists of England and America in support of his opinion, and concludes his erudite and profound reasoning as follows:

"The decisions referred to have been before the profession and the country for more than forty years; and, so far as I know, they had not, until a very recent period, been questioned, or their doctrines assailed by any respectable jurist. I cannot but endeavor to follow, though with feeble and unsteady steps, in the paths of constitutional duty, clearly and distinctly marked with the ineffaceable footprints of Marshall, of Story, of Washington, of Livingston, of Martin, and of Taney; and, guided by the serene and steady light of their recorded opinions, I may certainly hope not to go far astray."

This opinion *alone* stamps Judge Hall as one of the purest, most learned, and upright jurists that America has produced.

At the conclusion of the opinion, Judge Hall made an order discharging the prisoner from arrest, no cause having been shown why he should be detained.

The following is a copy of his order:

"IN HABEAS CORPUS,

"*In the Matter of Judson D. Benedict.*

"The said Judson D. Benedict, having this day been again brought before me in pursuance of the annexed writ of *habeas corpus* and order, and the counsel of the said petitioner having filed a demurrer to the return of the said writ, made by W. F. Best, jailor, and to the statement heretofore made by A. G. Stevens, Deputy Marshal, (no one appearing to oppose the discharge,) I having proceeded *ex-parte* to hear and consider the case as now presented, and determined that no legal cause for the arrest, imprisonment, and detention of the said Benedict is shown by said return, or said statement and return, and having invited all persons present to make proof, if any could be made, that the said Benedict had been guilty of any offence against the laws of the United States, or was subject to arrest for any cause other than that appearing on said return, and no such proof being offered, I do hereby order and direct that the said Judson D. Benedict be and is hereby discharged from custody.

(Signed) N. K. HALL,
U. S. District Judge."

Marshal Chase stated that previous to the issuing of the writ of *habeas corpus* by Judge Hall, he had written to the War Department, recommending the release of Mr. Benedict, and that he would have been released before, had it not been for the attempt of Sawin to raise an issue with the United States Government. Mr. Benedict, who had been discharged from arrest by the order of the highest court known to the Constitution, was again arrested by the United States Marshals, although his release had been recommended by Mr. Chase. Several members of the police force were seen to enter the court and disperse themselves about the room, while Marshal Chase, and Deputy Tyler, of Lockport, sought positions near the then free citizen of the United States, standing in the Temple of Justice, and awaiting a copy of the proclamation of emancipation just issued by the Judge.

As soon as he received a copy of the order, Officer Tyler

was observed to speak to him, and the reverend gentleman, with his papers in his hand, demanded to be shown the authority for his arrest. He said he did not propose to resist, but wished to know by whose orders he was seized. He was told, "*We will show you the authority, when we get you where we want you.*" He was hurried, Marshal Chase on one side of him, and Officer Tyler on the other, down the stairs, and to a carriage in waiting, in which Deputy Marshal Stevens sat. A large crowd gathered about the carriage, and much feeling was exhibited, but no attempt was made to rescue the prisoner. The carriage was driven off, Marshal Chase on the box with the driver, and the prisoner inside with Officers Tyler and Stevens. This was done by *special order of the War Department* to Marshal Chase, directing him to resist the writ, or, in the event of the prisoner's discharge, to re-arrest him. Mr. Sawin again applied to Judge Hall for a writ of *habeas corpus*, which was granted, and served upon the Marshal by Harvey B. Ransom, as the annexed return will show:

"UNITED STATES OF AMERICA, } ss.
Northern District of New York, }

"HARVEY B. RANSOM, being duly sworn says: that he is well acquainted with Edward I. Chase, named in annexed copy of writ of *habeas corpus.* That he served upon said Chase, at the city of Buffalo, on the 23d day of September inst., at or about the hour of five o'clock P.M. of that day, an original writ of *habeas corpus*, with the original order of allowance, signed by Judge Hall, indorsed thereon, copies of which writ and order are hereto annexed, by delivering the same, at the time and place aforesaid, to said Chase personally. That deponent and said Chase went yesterday afternoon, on same train of cars, to Lockport. Deponent saw, after his arrival, *within named Benedict in front of said Chase's office, at Lockport, said Chase, as deponent was informed, being in his office at the time.*

(Signed) HARVEY B. RANSOM.

"Sworn and subscribed before me, this 24th day of Septembe. 1862.

(Signed) A. P. NICHOLS, U. S. Commissioner.'

The writ of *habeas corpus* was made returnable at 10 o'clock A.M., on Thursday, the 25th inst., at the United States Court-room in Buffalo, at which time United States Marshal Chase made the following return, to wit:

"To the Hon. Nathan K. Hall, *District Judge of the United States for the Northern District of New York*:

'The annexed writ was delivered to me between five and six o'clock in the afternoon of the 23d day of September last. Before that time, and about noon of that day, Judson D. Benedict, the person named in said writ, had been arrested by me for disloyal practice, by order of the President of the United States, and put in charge of Daniel G. Tucker, with direction to convey him to the Old Capitol Prison in the city of Washington, and said Tucker immediately left Buffalo with the prisoner for that purpose.

"Under general orders made by the President, through the War Department, bearing date the 18th of August, 1862, said Benedict had been, on September 2, 1862, arrested by my deputy, A. G. Stevens, for such disloyal practice, and said deputy was ordered by the War Department to detain him in custody until the further order of said Department. For safe keeping, said Benedict was removed from Fort Porter to the jail of Erie County.

"Afterward, as is said, a writ of *habeas corpus*, directed to said Stevens and William F. Best, the jailor, was delivered to said jailor. The War Department was informed by said Stevens of the allowance of said writ, and said Stevens was directed by said Department not to regard said writ. But said William F. Best, the jailor, refused to allow me or my deputy, Mr. Stevens, to have any control of the prisoner, or of the writ, and avowed his intention to make return to said writ, and produce the prisoner before your Honor.

"I informed the War Department of such refusal and avowal. In answer, I received an order made by the Secretary of War, saying, in substance: 'Your deputy, Mr. Stevens, was directed to disregard the writ of *habeas corpus*. If Stevens or the jailor permits Benedict to be discharged on *habeas corpus*, arrest him again, and convey him to the Old Capitol Prison at Washington.'

"The original order was delivered by me to Mr. Tucker, into whose charge I delivered the prisoner, and I have no perfect copy. The above is a substantial copy, and in all essential particulars is correct.

"In pursuance of such order, after said Benedict was, on the 23d inst., discharged from the custody of said Best, and said Benedict had left the United States Court-room, I arrested him, and put him in charge of Mr. Tucker, with the directions above stated.

"A formidable insurrection and rebellion is, as is well known, now in progress in this country, and the writ of *habeas corpus* suspended, and the President of the United States, by one of the orders above referred to, made on the 8th of August, declares the same to be suspended in case of disloyal practices. I would also refer your Honor to the proclamation of the President of the United States of the 24th September inst.

"I, therefore, understand that the above arrests are military arrests, in relation to which the writ of *habeas corpus* is suspended. I have, however, out of respect to your Honor, and the judicial authority of the country, thought it my duty to return to you the annexed writ of *habeas corpus*, and make the foregoing statement. Very respectfully,

(Signed) EDWARD I. CHASE,
U. S. Marshal.

"Dated the 25th of September, A.D. 1862."

After the prisoner had been placed in a carriage, with three Deputy Marshals as a special guard, he was driven to Lockport, in the County of Niagara, a distance of about forty miles.

At about 9 o'clock P.M., he was again placed in a carriage, and conveyed through highways and byways, until 3 o'clock the next morning, when he arrived at *Batavia, a few miles from Buffalo*, on the Central Railroad. At 6 o'clock, he was placed on the cars for Canandaigua, and from there to New York, thence to Baltimore, and finally to Washington, where he remained for some weeks an inmate of the Old Capitol Prison.

When the Majesty of the Despotism that ruled at Wash-

ington became appeased, Mr. Benedict was taken before one of the instruments of its tyranny, L. C. Turner, Judge Advocate, who received the reverend gentleman with one of his hypocritical smiles. After the usual interchange of courtesies, the Judge Advocate informed Mr. Benedict that he was discharged. (He was released on the 2d October, 1862.) Mr. Benedict ventured to inquire why he had been imprisoned. "*Oh*," said the Judge Advocate, "*it was only to show the people that the military power is now above the civil power.*"

The Bourbons and Napoleons in France, the Stuarts and other despots in England, all pleaded the "necessity of circumstances" for their arbitrary acts of power, and their infringement on the rights and liberties of the people. Louis XIV., of France — to go back into historic times no farther — said, "I AM THE STATE." James of England said to the Duke of Somerset, who told the King that he could not obey him without violating law, "I will make you fear me as well as the law. Do you not know that I am above the law?" And this monarch said to his Parliament: "For matters of privileges, liberties, and customs, be not over-curious. We do what is for the best, and as necessity prompts. Let not any one stir you up to law questions, debates, or that sort of thing, for of these cometh evil."

Mr. Lincoln acted on the principle established by these arbitrary monarchs.

ISAAC C. W. POWELL, ESQ.

ISAAC C. W. POWELL was born in Sussex County, Delaware, December 31st, 1823. In 1842, he entered Union College, New York, under Dr. Nott and Dr. Potter, and graduated, 1845, delivering the valedictory of his class. In 1846, he attended the law-school at Yale College, New Haven. After leaving this school, and studying some months in the office of John Glenn (afterward Judge of the Circuit Court of the United States) in Baltimore, he opened an office for the practice of his profession in Baltimore, adjoining that of Hon. James L. Bartol, for many years a Justice of the Court of Appeals of Maryland, and now its Chief Justice; with whom he had always been on the kindest and most intimate terms of friendship. From Baltimore, Mr. Powell was called, in January, 1848, to his home on the beautiful Wye River, in Talbot County, Maryland, by the illness of his father. He reached home only in time to close his parent's eyes in death, and pay the last sad offices to his memory. He was obliged, as one of his father's executors, to remain in Talbot County, to settle his estate, and therefore closed his office in Baltimore, where he had commenced his professional career with the most flattering prospects. He then opened his law-office in Easton, in 1848. In 1849, he was chosen a member of the Legislature of Maryland, and served with credit in that session in which the reform of the old Constitution was the great issue, and, as a member of the Judiciary Committee of the House, contributed in no small degree to the passage of that measure. He married, in 1850, Miss Lucy A. Barker, of New Bedford, Massachusetts, and settled down in the practice of his profession at Easton; from which he has never been allured by political preferment, although many

opportunities offered. In 1859, he was elected State's Attorney for Talbot County, to serve for four years.

In 1861 and the early part of 1862, citizens were arrested in his county, without cause, by the military miscreants who ruled the hour. The Constitution of the State and of the United States were violated in open day, by those acting under the authority of the sword and the bayonet. The armory of the State at Easton was sacked and rifled by a company of United States soldiers on a peaceful Sunday afternoon; and public and private property carried off by those who would have been treated as ruffians and robbers, but for their epaulets. One old citizen, who dared to deny the falsehood of a political speaker, was seized at midnight and dragged from the side of his wife, to spend a week of unjust imprisonment in a camp, and subjected to every kind of indignity and inconvenience. Slaves, who were then recognized as property alike by the Federal and State laws, were taken from their owners (women and children as well as men) in scores, under the pretence of enlistment in the United States military service. Negro soldiers were quartered on the county, and sent about in the most insulting manner to the residences of the citizens, to annoy and rob them. Provost Marshals were appointed, and spies and eavesdroppers and detectives hunted down, everywhere, those who opposed the Lincoln dynasty.

Indeed, so many and grievous were the outrages of the minions of the new power, that the grand jury, under the ruling of the Hon. Richard B. Carmichael, Judge of the Circuit Court, presented a number of the most prominent offenders, who were indicted, and process issued by the court for their apprehension. At the session of the court in May, 1862, they (being out of the county) had not been taken under the writ issued. By preconcert and collusion with Samuel T. Hopkins, Clerk of the Court, (who was one of the first of the men of Talbot to rush to Baltimore, after the affair of the 19th of April, to repel the Federal soldiers in their passage through that city but became afterward one

of the most bitter of those who sided with that cause,) these men came to Easton on the 25th of May, 1862, bringing with them a certain J. K. McPhail, of Baltimore, a maker of hats, as a sort of Marshal under the new order of things. The order had gone forth from the petty powers in Baltimore, borrowed from their superiors in Washington, to arrest those who resisted the aggressions upon civil liberty in Talbot County. The faithful, who had been directed to arrest Judge Carmichael for the honest discharge of his duty in his instructions to the grand jury, resolved to arrest Mr. Powell.

Accordingly, on the 28th day of May, 1862, while the court was in session, and a cause on trial, in which Mr. Powell was engaged as counsel, McPhail, with a body of police, followed by a party of petty military officers, entered the court-room, marched to the Judge's chair, and, without exhibiting any authority, attempted to arrest him on the bench. The Judge, not knowing the persons, demanded their authority. McPhail said he was Marshal of Police in Baltimore, but declined to show any voucher for this or any order for Judge Carmichael's arrest. His policemen drew their pistols. The Judge called for the Sheriff, who being absent from his place, ordered him to be sent for by the crier at the door. He did not appear. One of the coarse villains then following, or rather leading McPhail, rushed on the Judge, who spurned him with his foot, as he would have done any other cur. Immediately the other rascals (McPhail among them) sprang upon the Judge from behind, and struck him many blows upon the head with their pistols, completely stunning him, and prostrating him on the floor. He was then dragged out of the court-room into an entry, (where another citizen was fired upon by the party and others assaulted;) but the chief ruffian, becoming alarmed at the extent of the proceeding, had him brought back into the court-room, his head covered with wounds, the scars of which he must bear to his grave, and the blood streaming from his venerable locks, and covering his garments to his feet. A company of one hundred or more soldiers had been ordered from Baltimore for the occa-

sion; and the brave McPhail did not make his onslaught upon the Judge until they were at the suburbs of the town. McPhail then ordered the arrest of Mr. Powell.

The Judge and Mr. Powell, with two other citizens arrested by these lawless wretches, were taken on board the steamer, which was guarded by the troops, and were placed in Fort McHenry the same night, or rather in the dirty loft of one of the stables within the enclosure of the Fort, where some twenty-five others were imprisoned and guarded. The apartment in which they were placed was used for the purposes of eating and lodging, with no proper ventilation, and with the effluvia from filthy soldiers' quarters underneath poisoning the atmosphere. From this stable-room, noisome with stench and filth, the Judge and Mr. Powell were, by the intervention of friends, removed in a short time to *more* comfortable quarters. The improvement was, however, very slight; for they, with four other prisoners, were confined in a room about eight by ten feet in size. Here they remained from the 1st of June to the 10th of July, and the season being hot and unwholesome, but for the kindness of General Morris, commandant, who gave them on their parole the privilege of walking about the grounds, they would probably have perished.

On the 10th of July, they were summarily sent to Fort Lafayette, where a coarse, ill-tempered creature, named Wood, and wearing the epaulets of a Lieutenant, was in charge. This low-bred, cowardly fellow took from them their money, watches, liquors, and every thing except their clothing.

He had the whole party stripped and searched by his dirty Dutch sergeant and corporal, in a room filled with handcuffs and gyves, with an armed sentry at the door; and it is more than likely that if one of the prisoners, from a tight boot or other cause, had stamped heavily, the frightened Lieutenant would have ordered them to be shot.

On the night of their arrival, they, with a large number of other prisoners, were crowded into a room where most of them were made sick, and some were near dying. In the

morning the Judge and Mr. Powell, for permanent quarters, were placed in a small arched room, where the apex could be touched with the hand, and the rise of the arch was only three feet from the floor. In this cell or den were crammed twelve human beings, with their baggage, beds, cooking utensils, table, table-ware, chairs, water arrangements, etc., and it required much study and mechanical ingenuity to properly dispose of the bedding during the day, and the other furniture at night. There is not a murderer in one of our jails or penitentiaries who has not equal or better accommodations than these gentlemen had, who were imprisoned from mere political malice.

It is unnecessary to speak of the outrages they endured in this fort—damp, dirty, and disagreeable as it was, under the management of such a creature as commanded it in 1862.

On the first day of October, 1862, Mr. Powell was transferred to Fort Delaware, by orders from Washington; to which place he had been preceded, a few days, by Judge Carmichael. This was an amelioration of their condition, brought about by the influence of such friends as Hon. James A. Pearce and Hon. Reverdy Johnson, Senators of Maryland, William A. Spencer, Esq., and others, whose earnest endeavors were unequal to the task of releasing the citizens of their State, so illegally and wantonly imprisoned and abused, from the clutches of the tyrant who then controlled the Government.

Mr. Lincoln, to whom Judge Carmichael sent a copy of his charge to the grand jury, with a statement of the facts of his illegal arrest, expressed to Senator Pearce his conviction that these gentlemen ought to be discharged; but added, that Stanton would not consent to it; thus proving that that Jacobin ruled his weak master.

At Fort Delaware, it is due to Major Burton, then in command, to say that, he deported himself toward the prisoners as an officer and gentleman; and never descended from his position, in either capacity, to an act of meanness or oppression. They were allowed on parole the privilege of the entire grounds of the Fort for exercise and amusement, and

all the comforts which they could procure or receive from friends to alleviate the gloom and outrage of imprisonment.

On the 7th of December, 1862, (Judge Carmichael having been released by order about a week before,) Colonel Perkins, the new commandant of the Fort, who had superseded Major Burton a few days previously, (for his kindness to the prisoners,) entered the room of Mr. Powell at eleven o'clock at night, and informed him that he was no longer a prisoner, as an order had come from Mr. Stanton for his release. His room-mates and fellow-sufferers were Dr. E. S. Sharpe, of Salem, New Jersey, and Hon. Madison Y. Johnson, of Galena, Illinois.

Colonel Perkins was a regular United States officer of the West Point stamp, and discharged his duties most courteously and properly.

On the following morning, Mr. Powell, at the Colonel's request, called at his office, and read the following order, (of which he desired an official copy;) but Colonel Perkins, not wishing to place Mr. Stanton in any danger, would only authorize Mr. Powell to make a transcript of the order himself. This he did, and called the attention of both Colonel Perkins and Major Burton to its correctness. It came by telegraph, and in these words:

"WASHINGTON, D. C., December 6, 1862.

"To Commanding Officer, Fort Delaware:

"You will immediately release I. C. W. Powell, a prisoner, *who is said* to have been arrested at the same time with Judge Carmichael, and *who is said to be* now in Fort Delaware.

EDWIN M. STANTON,
Secretary of War."

Thus did Edwin M. Stanton ignore the facts which were not only officially, but personally known to him; for both by the records of his office, and by the application of personal friends of the prisoners, was he well-informed of the whereabouts of Mr. Powell; and yet in his order for discharge, he quibbles in saying that Mr. Powell *is said to have been arrested*

at the same time with Judge Carmichael, and *is said to be now in Fort Delaware.*

Mr. Powell was greeted on his return home by a rush of the citizens of Easton to meet and welcome him; and after discharging his official duties for the two successive terms of the court, was again, by an unanimous vote of the convention, nominated for the position of State Attorney.

On the same day he was re-arrested, together with some twenty other gentlemen composing the Democratic ticket, just nominated, and some prominent members of the nominating convention, and informed that, by order of the military authority then in power under the Provost Marshal, no Democratic ticket would be allowed to be presented for the suffrages of the people of that county. A new Clerk was elected to the place, because no one was allowed to oppose him, but only by about one-fifth of the vote of the county. He died soon after, and the vacancy was filled by appointment of the *quasi* Judge of the hour. The term of office of the late incumbent expired on the 1st of January, 1868, and Mr. Powell was re-elected to the place from which he had been twice ejected by military force. He now holds his position, sanctioned by the sentiments of the people; and will be respected and honored long after the mantle of oblivion shall have fallen on the names of his persecutors.

JAMES CORBAN NAYLOR.

JAMES CORBAN NAYLOR was born April 22, 1842, in Wirt County, Virginia. His father's name was James Naylor, son of William Naylor, one of the first settlers of Virginia. He was a wheelwright by trade, a pioneer most of his life, and a Methodist minister for about sixty years. He died February 9, 1862, nearly ninety-one years of age. James C. Naylor was born when his father was seventy years old. His mother, Adaline Naylor, was the daughter of Esquire David P. Morgan, of Virginia, descended from the family of David Morgan, the "Indian fighter."

Mr. Naylor received a common school education only, and this mostly from his father. He was reared on a farm, but his father being in easy circumstances, his youth was spent in reading, the study of nature, and writing poetry, of which last he was especially fond. Most of his effusions were written for self-amusement, but many of them have found way into the public prints.

In 1860, at the age of eighteen, he made a vigorous canvass for Douglas in Clark County, Iowa, to which his father had removed in 1856. He was always immovably fixed in his political principles, and unmistakably plain in his method of defending them. Abolitionism (or destructionism, as he called it) never received a smile from him, and he lost no opportunity to denounce it in the roundest terms. While this endeared him to his political friends, it raised a storm of opposition on the part of his enemies, which came near ending in the destruction of his life. Upon the election of Mr. Lincoln, he prophesied war, but declared himself opposed to both secession and disunion, and in favor of compromise. When secession became a fact, he still cherished a hope of

an amicable adjustment, and declared, with General Scott and Beecher, that "secession would be but the dust in the balance compared with war."

On the 27th day of August, 1862, in the twentieth year of his age, he was arrested by an armed mob, *calling* themselves soldiers, on a charge (as they verbally stated) of discouraging enlistments, and treasonable utterances against the President. On the same day he was taken to Osceola, under promise of trial, in company with Judge John Beal, a man sixty years of age, and at that time an *invalid*. This man had been brutally driven from his house at the point of the bayonet, without the opportunity of bidding farewell to his weeping family. On the next day, J. U. Lafollett, of the same neighborhood, was arrested and taken to Osceola on the same charge. Here they remained for three days, when they were removed to Des Moines, where they were incarcerated for two weeks, by order of the United States Marshal, Hoxie. All inquiries as to the cause of arrest, or the time of trial, were answered by brutish indignities.

Their fare consisted of indifferent victuals, in quantity scarcely sufficient to sustain life. They had no bedding, except a buffalo robe, which was filled with vermin. Here they were cut off from all communication with the outside world, except such as was approved by their custodian, a man named Alexander Bowers.

After two weeks' confinement at Des Moines, the prisoners were removed at night (increased in number by the addition of C. C. Mann, who was arrested on a similar charge, and *all ironed like murderers!*) to Newton *Jail*, in Jasper County, where they were well treated for one week.

Thence they were removed, in *irons*, in company with seven others from Madison County, arrested on similar charges, to Davenport, on the Mississippi, and from that place to Camp McClellan, near by. Here they all remained until the 9th of December, 1862, except Judge Beal, who was released on the 1st.

Their treatment here, though now proven to be not past

endurance, is past description. Arrested in summer clothes, they remained until the 16th of October in an open shanty, which had been occupied by soldiers during the warm season, still later used as a cavalry stable, and was now considered a suitable place of confinement for prisoners of state, whose only violation of law was that they had advocated *obedience to law*, at all times, by all men.

The north and south entrances of this frigid abode were always open, and the sides were full of cracks, large enough to admit the passage of a man's hand. No fire whatever was allowed, and the only sleeping accommodations were loose boards to lie upon, and one blanket to each prisoner for a covering.

The victuals were in keeping with other things. The prisoners were compelled to march out, and eat at a table in the open air, regardless of rain or snow.

When Mr. Naylor appealed to the authorities for better treatment, he was informed that "such treatment is good enough for rebels." To this he replied, "Your hearts are colder than the weather, but not so open as our house. But mark you! you will get *fire* in the next world for refusing it to us in *this*."

On the 16th of October, the quarters were changed. But *such* a change! They were told they should have fire. This news itself warmed them. But if the fire had been mixed with brimstone, the disappointment would not have been greater. They were removed to a shanty which had been used as a chapel; but, as the camp increased, it had been converted into a sink, without any change in its condition, except such as was made with a spade. They were taken into this place, where there was a fire, which rendered their condition much worse. The prisoners hastened to the cracks, (which were, fortunately, numerous,) tore open a window, which had been boarded up, and gladly allowed the *fire* to go out, in order to get rid of the horrible *stench*. Here they were allowed straw beds, but no more covering. After some time, almost an eternity of distress, they obtained means of

renovating the floor. But chill December winds would not be tempered by a small stove in such a tenement.

They appealed for means to stop the crevices. This request was granted them *the day before their release.*

On the 9th of December they were set free in the streets of Davenport, on parole, without trial or explanation, ragged, dirty, sick, and half starved, nearly three hundred miles from home, and without money. By the kindness of Alfred Edwards, Esq., they were enabled to reach home alive. On Mr Naylor's return to Osceola, he was met and welcomed by an immense concourse of enthusiastic friends, who had convened for that purpose.

But Mr. Naylor's persecutions and sufferings did not end here. In September, 1864, when he was at home, two vagabonds, disgracing the name of soldiers, who were home on furlough, robbed the neighboring house of Rev. Thomas Gobel, and so threatened the old man's life that he deemed it unsafe to remain, and accepted the protection of his neighbors until he could make necessary preparations to leave. Mr. Naylor and eight others, viz., Oliver Morgan, William Evans, O. P. Gideon, H. B. Stover, Garot Shippy, John Shippy, Graig and John Conner, repaired to the house in the evening to afford the necessary protection. Next morning at daylight they found themselves surrounded by a numerous armed mob. Immediate preparations were made for defence. By 12 o'clock M., the mob had increased to about three hundred. But the besieged kept them at bay, *defying an attack.* Finally it was agreed that the besieged should go quietly before a Justice of the Peace without arms, and allow information to be filed and have a *legal* trial. But as soon as they had vacated the house and left their arms, they were basely seized as prisoners of war and brutally treated.

It should have been stated, that Conner left the house as soon as the mob appeared, was followed to his own house by a part of the mob, and in company with another man brutally murdered that night. The prisoners were taken to Osceola and kept there through the night.

The next morning, after the most fiendish insults, they were started under guard for Des Moines. A few miles on the way, they were overtaken by an order to "have Naylor, Morgan, Gobel, the two Shippys, and Evans shot, and the others released, as there is fighting to do at another place." This order was countermanded before the bloodthirsty cow ards had time to execute it.

The prisoners were taken to Indianola, and after Evans had been beaten over the head with a musket, and the others badly abused, (amid the applause of the bystanders, political scorpions,) the commandant ordered them to be put in a dun geon over night; and in a damp underground cell, on a wet stone floor, with a murderer and a horse-thief overhead, without bedding, and with the offensive atmosphere from the room occupied by the malefactors, the prisoners spent a night, worse than death.

Next morning everything was changed. The prisoners were well treated, hurried into wagons, after a good breakfast, driven within ten miles of Osceola, and released.

The malignant captors had heard that the roads, on the way to Des Moines, showed evident signs of lurking thunder, and being informed that the arrest itself was a crime, they were glad to get out of the scrape. Several unsuccessful attempts to murder Mr. Naylor were afterward made.

Being pecuniarily reduced by outrage and the suspension of his business for almost five years, he is now struggling to support his family. Firm, however, in his principles, and a bold, able denunciator of lawless tyranny, he hopes to live to see fanaticism and usurpation swept from the land.

HON. PHINEAS C. WRIGHT.

HON. PHINEAS C. WRIGHT, now a resident of the city of New York, is a native of Rome, Oneida County, State of New York, and was forty-four years of age at the time of his arrest. He removed from New York to New Orleans, thence to St. Louis, about a year prior to the beginning of the war, and when arrested, was a citizen of Missouri. He was incarcerated fifteen months — one day in Fort Wayne, eleven months in Fort Lafayette, and four months in Fort Warren, and was never permitted to know of what he was accused, nor who was his accuser.

On the morning of the 27th of April, 1864, he was at Grand Rapids, Michigan, on business, and was arrested at the "Rathbun House," by Captain Wilson, of the 20th Infantry, United States Army, commanding Fort Wayne.

The order for his arrest ran thus:

"You will proceed to the Russell House, in the city of Detroit, or wherever else he may be found, and arrest P. C. Wright, formerly a New Orleans lawyer, whose plantation and slaves now confiscated, who is now staying at said house. You will take him to Fort Wayne in a carriage; treat him with courtesy as a gentleman. You will confine him in a room by himself, and make him comfortable. You will allow no one to communicate with him You will be careful to secure any papers he may have with him.

(Signed) J. RANDOLPH SMITH,
Colonel U. S. A.,
Commanding Department of Michigan."

This order was placed in the hands of Captain Wilson a few days after Mr. Wright had started from Detroit, for Grand Rapids. Learning of his absence from Detroit, the

Captain followed him, stopping at all the important towns along the line, until he found Mr. W. at the Rathbun House. He was courteous in the performance of his duty. He had been in the "Old Army" twenty years, and had been promoted from the ranks as a guerdon of merit. On making the arrest, he stated his business to Mr. Wright in a few words, and handed him the order for his arrest, remarking, "I am charged especially to treat you as a gentleman, and was assured that I would have no occasion to do otherwise." Mr. Wright replied, "I shall give you no trouble, sir." The Captain then said, "I shall take an apartment in the sleeping car to Detroit, to-night, and no one shall know of your arrest from my words or actions." Then stepping to the door, Captain Wilson called in a man whom he introduced to Mr. Wright as "Mr. Cutcher, a detective." The party then proceeded to the prisoner's room, to "secure any papers he had with him." This being done, Captain Wilson left the prisoner in charge of Detective Cutcher, and did not again appear until 4 o'clock P.M., when he met them at the depot, and all took seats in the cars.

They arrived in Detroit at 7 o'clock the following morning. As they were emerging from the cars the Captain perceived the provost guard drawn up in line in the depot. He became much excited, and requesting Mr. W. to take his seat, he stepped up to the guard and ordered them to their quarters. He then came back to the cars, and, accompanied by Mr. Wright and the detective, walked to the "Biddle House," near by, for breakfast.

Arriving there, the Captain stepped to the office, and addressing the clerk, said: "I want a private room with a fire, and breakfast for three. I have a prisoner of state, and I don't want to expose him to unpleasant curiosity." This was said in an undertone, and was plainly not intended for the ear of Mr. Wright. But having heard it, he protested against the "private room." The large dining-room, being open, looked warm and cheerful in that frosty morning, and no guests being astir at that early hour, he induced Captain

Wilson to take breakfast in the dining-room; after which, lighting their cigars, they took seats in a close carriage, and were driven toward Fort Wayne, three miles distant.

The party had proceeded about three squares when the carriage was stopped, and a long, lean, lathy, and cadaverous individual thrust his countenance into the open door of the carriage, and squeaked forth in a cracked voice, "Good morning, Capt'n! We made a big arrest yesterday; we got a great lecturer—" The fellow did not finish what he had evidently intended to say, for Captain Wilson, flushed with anger, cried out sternly, "Drive on, and don't stop again until I tell you." He proved to be, as Mr. W. afterward learned, an itinerant preacher, then a chaplain with some volunteers, and had been subsequently promoted to a post on the provost guard. The prisoner felt thankful to the fellow, for he had unwittingly given him the only clue to the cause of his arrest he ever received. About two weeks previously he had read a lecture to a large and interested audience of citizens, of every shade of political sentiment and opinion, at the beautiful town of St. Clair, near Detroit.

Arriving at Fort Wayne, Mr. Wright was passed through the office and its routine, and conducted to a small but cheerful room in the third story of the long line of barracks, which were used as the officers' quarters. A small boy brought an armful of wood and kindled a cheerful fire. A sentry was placed on the landing at the foot of the half flight of iron stairs which led to the door of his room. Mr Wright was instructed to call him by a rap on the inside of the door, if he wanted anything.

Presently, Captain Wilson made his appearance, accompanied by Lieutenant Jones, a polite, cultivated young gentleman, in whose charge he left his prisoner for the day, as he himself was going to the city to report to Colonel Smith. Mr. Wright immediately asked for books and writing materials. Lieutenant Jones presently brought him both, of books an armful, and from them the prisoner was assured, that he was a gentleman of fine taste and culture. Availing

himself of the kindness of Captain Wilson, Mr. Wright addressed the following letter to "Colonel J. Randolph Smith, commanding Department of Michigan:"

"SIR: I am your prisoner. May I be permitted to know why I am here, and what are the specific charges against me?"

Mr. Wright says: "I then gave myself to musing upon the scene from my window, which, in the glorious sunlight of that lovely spring mo ning, was beautiful beyond description. The view embraced the entire city of Detroit, with a large section of the surrounding plain dotted with neat suburban cottages and a few beautiful mansions, with finely improved grounds; and on the opposite side of the river, a large portion of Windsor, the neat, pretty hamlet of Sandwich, with a long stretch of beautiful shore and a wide expanse of back country, all glorious in the freshness of young verdure. Further upward, 'Belle Isle' seemed to float like a beautiful emerald on the silvery bosom of the waters; and still beyond, the eye could take in the vast marshes known as the 'St. Clair Flats.' The broad, green river was literally covered with vessels, sailing and in tow, that seemed rushing in flocks like migratory fowls to the 'Upper Lakes.' Indeed, a more entrancing scene than that which greeted my first gaze from a prison-room is rarely enjoyed by mortals, even in *freedom*. I was in a spell, real, palpable. I mused of liberty, and for the first time began to estimate and appreciate its priceless worth. Then my gaze would linger and fix itself upon the Canada shore. There nature seemed to glow and bloom in quiet loveliness, as if conscious of the genial sway of peace. There the genius of liberty seemed to have found sure refuge from the madness which had rudely driven and scourged her from the land where our sires erst enshrined her; and I thought she seemed weeping in sorrow for the shameful degradation of their sons!

"I turned to look upon the noble city, when my eyes instinctively seemed to fall upon the dome of the 'City Hall,' which, as it glistened with the silver light, seemed in playful

wantonness to throw back the warm kisses of the ardent sunbeam — ay! upon that lofty roof hard by — for beneath is one who knows not yet my present sorrows, who, through sunny years has nestled in my heart of hearts! Thou art still unconscious of my fate! Then sleep on! O Memory, how faithful is thy record to my first hours in my cell?"

About four o'clock, Captain Wilson returned and presented Mr. Wright with the following answer from Colonel Smith:

"SIR: I am in possession of your letter, and will state that I was ordered to arrest you, by telegraph from General Heintzelman, on last Saturday P.M.

"I am, sir, very respectfully,

Your obedient servant,

(Signed) J. R. SMITH, Col. U. S. A.,
Commanding, etc.

"Detroit, April 28, 1865."

About 5 o'clock P.M., Captain Wilson again visited him, saying: "I must part with you. I am ordered to deliver you to Captain Tyler, of Colonel Smith's staff, who is waiting below. I am sorry to part with you; but I hope it is for the best. I had promised myself a pleasant time with you." After descending to the office, the prisoner was presented to Captain Tyler, who, after receiving him politely, remarked: "I am ordered to deliver you to Colonel De Radowitz, of General Heintzelman's staff, at the Cleveland boat."

After taking leave of Captain Wilson, Lieutenant Jones, and other officers of the garrison, he was placed in a carriage, and driven to the wharf. Of the two above-named gentlemen, Mr. Wright says: "If Captain Wilson or Lieutenant Jones be living or dead, I know not; but I know that their memory will live with me while my heart can recognize one emotion of gratitude." At the boat, they found Colonel De Radowitz in waiting. He received them courteously, remarking: "I have an unpleasant duty to perform, Mr. Wright; I am ordered to conduct you to New York, and deliver you

to General Dix, but I shall not make myself disagreeable to you." Mr. Wright thanked the Colonel, and informed him that he need give himself no occasion for the least anxiety on his account. From that moment, until he was delivered to Colonel Burke, he was not subjected to the slightest constraint or the least surveillance by Colonel De R., who treated him, in every respect, as a travelling companion.

Mr. Wright remarks:

"We took leave of Captain Tyler, and went on board the boat as the sun was setting. We proceeded to an elegant state-room, or two state-rooms connecting; one of which was mine, and the other was occupied by Colonel De R.; and, leaving there our satchels and heavy overcoats, we took seats in the ladies' cabin. Soon came in Cutcher, with six soldiers, and stood before us. Colonel De R. immediately arose, much excited, and sternly ordered Cutcher to go with his men at once to the forward part of the boat, and remain there. Subsequently, all but two were sent back, and those two accompanied us to New York; but I did not see them until we were crossing on the Jersey Ferry, when I heard Colonel De R. order them to go to the Park Barracks, and remain there until further orders.

"I feel constrained to record here my impressions of Colonel De Radowitz. He was about twenty-four years of age, was an officer in the army of the King of Prussia, and was on 'leave of absence' for two years, that he might 'see service in America.' He was first on the staff of General McDowell, then of General McClellan, and last of General Heintzelman, which station he then held as 'aide-de-camp.' He was dressed in neat undress uniform, and wore a service-sword, but no revolver, the inevitable and disgusting appendage of our volunteers. Over all, he wore a light overcoat — not uniform. He was tall, graceful, refined and polished in manners, and withal a handsome man among a thousand. A more perfect gentleman I have never met. He pronounced the English language correctly, but with a slight foreign accent. During our whole progress to New York, he essayed

to entertain me as if he would lighten my heavy load of sorrow, which seemed almost insupportable.

"I contemplate the strange fact, unaccountable even now, that from the first moment of my arrest, and during my entire journey to New York, I never thought of Fort Lafayette, and least of all things, the possibility that I was destined for *eleven months* to its dismal, living death."

About one o'clock on the 30th of April the party arrived in New York city. On landing from the ferry-boat the prisoner was placed in a carriage, accompanied by Cutcher. Colonel De Radowitz stepped aside as if seeking some one, and was met by a young man who handed him a packet, in a large Government envelope. Immediately on receiving the packet and reading it, he stepped to the carriage and took a seat beside the prisoner. He seemed much agitated, and the carriage had proceeded some distance in the direction of the Battery, when he broke the ominous silence with these words: "I have bad news for you, Mr. Wright, very bad news!" The prisoner inquired quickly — not suspecting its purport — what the news was like? "*I am ordered to carry you to Fort Lafayette*," replied Colonel De Radowitz with visible emotion. They proceeded in silence. Arriving at Fort Hamilton, they descended a flight of steps to the wherry, and were conveyed across the channel to Fort Lafayette.

Ascending to the Adjutant's office, Mr. Wright was formally delivered to Colonel Martin Burke, a man apparently seventy years of age, with features as hard as iron. His face plainly spoke "orders" in every feature and lineament. He looked as though he could stand by the rack, thumbscrew, or gibbet unmoved by the agonies of his victim, if "ordered." He was the man for the Bastile.

After bidding farewell to Colonel De Radowitz and Cutcher, the former of whom left him with cheering words, the victim of despotism was passed through the routine of office, relieved of his valuables, and thence conducted to casemate No. 3, scratched in the paint on the door-casing of which were the words:

"Who enters here leaves hope behind."

We again quote from Mr. Wright:

"Here, during my eleven months, there were never less than eight, and often thirteen men. We were locked up after being counted at 'retreat,' and released at '*reveille*,' but in the day we were permitted to walk on three sides of the area along the borders of the parade grounds. We were provided with iron bedsteads, which folded against the walls during the day and were let down at night, and with good mattresses, pillows, sheets, and blankets in abundance; but these were not furnished by the Government, but were the gift of the ladies of Baltimore to the members of the Legislature of Maryland, who were arrested by General McClellan, and thrust into Forts Lafayette and Warren, some of whom were detained thirteen months. Government furnished nothing for the prisoners save very plain food, scantily dealt out by a thieving commissary, who was subsequently detected, and fled from the punishment he so well deserved. I will not write his name, lest I should lighten by a shade, in comparison, the character of the mean fellow who succeeded him. His successor was Lieutenant ——, of the 17th Infantry, U. S. A. He had been, in the beginning of the war, a member of the noted 'Shriver Guard,' of Wheeling, Va., but deserted his friends and the cause of his State for 'loil' service, which paid better. He will know himself in this brief sketch, and will be long remembered by many prisoners.

"At the period of my arrival there were about ninety prisoners in the Fort, about sixty of whom were prisoners of war, including blockade-runners, and citizens picked up in various localities to count for exchange. Of these latter, none had been in the service. Most of them were too old and infirm for any service.

"Later came Joseph Howard, Jr., of the Proclamation notoriety, whom Colonel Burke would always call 'Bogus Joe.' He was a man of good heart, sprightly intellect, and fine culture, quick, lively sensibilities, and withal a most genial gentleman and a good companion. I missed him when he left us. With him came Mr. Mallison, his coad-

jutor, who was popular with all the prisoners through his good-nature, genial mirthfulness, and lively wit, which seemed ever gushing from an exhaustless fountain.

"The monotony in Lafayette was often broken by the arrival of the small steamer 'Henry Burden,' bringing fresh prisoners, but more often visitors, and still oftener the 'Commission' and Judge Advocate Bolles. There was not a prisoner in the Fort, except the accredited 'prisoners of war,' save myself, who had not been called up before that august tribunal once, twice, or thrice. Every time the boat's whistle was heard, the boys would cry out, 'Fresh fish,' meaning new prisoners, or 'Commish,' or 'Bolles.' That cry always raised my anxious expectation. I would fancy my trial was near, and I never doubted that my release would follow; but I learned that I was not answerable to that jurisdiction, but that I was the 'President's prisoner.'

"I must omit, for want of room, the narration of many notable incidents in my experience of life in Lafayette. I cannot do justice to my own feelings, nor to the memories which I shall cherish through life, without mentioning the kindness which I received from all the prisoners, without a single exception, and also the uniform good feeling that prevailed among them. There were many men of education and fine culture. We were denied the advantage of religious instruction from the outer world. No spiritual friend and counsellor could come within those dark walls to say good words to us. In our mess, and in other apartments were several gentlemen who were members of the Episcopal Church. A friend sent to me, by my own request, eighteen prayer-books, and a book of church music. I read service every Sunday morning at 11 o'clock, in the 'Battery,' which would scarcely contain all the prisoners, and there were few who did not attend regularly. We had several young men who sang well. We had musical instruments — flutes and violins — and our Sunday choir might have been welcomed in any church in the city of New York, or elsewhere."

On the 30th of August, 1864, Mr. Wright sent the following letter to Mr. Lincoln, which was never answered. Other similar letters were addressed to the President by the prisoner and his friends, asking for a trial or release; but they availed nothing, although Mr. Lincoln several times promised to grant one or the other. Similar applications were likewise made to Mr. Dana, and, after his succession, to President Johnson — but all to no purpose, as far as known. The letter reads as follows:

"FORT LAFAYETTE, August 30, 1864.

"To Hon. ABRAHAM LINCOLN, President of the United States:

"*Sir:* I have been a prisoner in this fortress four months this day. I was arrested at Grand Rapids, Michigan, on the 27th day of April last, 'by order of the President, through General Heintzelman,' and by Colonel J. R. Smith, commanding Department of Michigan. Until this hour I am unadvised of any charge or charges against me, or of any special cause why I was arrested. My position is most painful and mortifying. In regard to my political sentiments generally, or my opinions touching the momentous questions of the day, I am prepared, as I ever have been, to make a frank avowal of them. In regard to my actions touching the questions at issue, or the parties to that issue, since the commencement of the war, I have nothing which I desire to conceal. I am a citizen of the State of Missouri, resident in the city of St. Louis, by profession a lawyer. The story of my private life, or of my relations, of blood, or social, cannot interest you just now.

"From you, as Chief Magistrate and Executive of my Government, I have the right, respectfully, to demand *justice*. As a citizen, I would fain appeal to your humane and Christian sympathies. I am incapable of crime, or of premeditated wrong. I dislike notoriety of any kind, and now respectfully request that I may be permitted to communicate personally with some one in whom you may confide, who shall be empowered to set me at liberty, in the event that he shall be satisfied that there is no just cause for my further detention. I trust that my motives in this communication will not be misapprehended.

"The welfare of my country, and her restoration to unity, peace, and prosperity, have been the burden of my highest aspirations. I am not a *criminal*, begging for mercy, but a *free citizen* demanding *justice*, to know whereof I am accused, and who is my accuser, to be confronted with the witnesses against me, tried by the law, and by it be convicted or acquitted.

"General Dix, as my counsel advises me, and Colonel Burke, have both promised that any communication which I might desire to send to you shall be promptly forwarded to you, if proper.

"I have the honor to subscribe myself with due respect,

P. C. WRIGHT."

On the 13th of March, 1865, Mr. Wright was, together with seven other political prisoners, transferred to Fort Warren, while the prisoners of war were sent to Fort Delaware. He arrived at the Fort the following day, (March 14,) and was informed, had he arrived the day previously, he would have been discharged, with some forty others, of the same class who had been released that day. The Fort was commanded by Major Allen, U. S. A., and was garrisoned by a detachment of the 4th Massachusetts Heavy Artillery, Governor Andrews's pet corps, under the command of Major Appleton, in all about four hundred men. They were a fine body of men, and were uniformly kind and just toward all the prisoners. Among the notable prisoners there, were Commodore Tucker, of the Confederate Navy, Generals Edward Johnson, Ewell, Jackson, Marmaduke, Barton, and many others of General Lee's army. These general officers were separated from the other prisoners, and were assigned very comfortable quarters on the officers' side of the Fort. They were allowed all reasonable privileges, but were not permitted to speak to the other prisoners. Mr. Wright was assigned casemate No. 6, in which were about twenty-five prisoners. There were seven of these rooms appropriated to the prisoners, but two, Nos. 6 and 7, were never locked at night, as were the other five, as the inmates of the former were under parole.

The prisoners were privileged to walk on the ramparts each day as long as they chose; but having been conducted thither by a corporal in the morning, they were compelled to remain out, or if returned to their rooms, they could not go out again that day. The two rooms 6 and 7 were not so crowded as the rest, which contained fifty, and two of them between sixty and seventy persons. It is surprising that there was so little sickness among the prisoners; but the most of them were young men who had been well nurtured, and were cleanly in their habits. Early in April he was removed from No. 6 to a very pleasant room under the officers' quarters, and for eight weeks was permitted to remain there, the last four of which he was alone.

About the last of April, Mr. Wright was informed by Lieutenant Woodman, commissary of the prisoners, that Major Bolles, Judge Advocate on General Dix's Commission, was at the Fort, and had come to see him. The Lieutenant then called a corporal and directed him to escort Mr. Wright to the august presence of the Major, who occupied the room of an officer in a distant part of the Fort. The Major received him graciously and bade him be seated. After exchanging a few commonplace remarks about the weather, the prisoner's health, and the manner in which he had endured his incarceration, and boasting of some of the exploits while in the performance of his official duties as Judge Advocate in West Virginia and elsewhere, he said: "I have called to see you, Mr. Wright, upon very important business, and I am authorized to propound to you certain questions, and to assure you that upon your answer to those questions will depend your immediate release, or your further detention." Mr. Wright became very angry and much excited at the insolent tone in which he had been addressed, but calming himself, he said, "You do not know me, sir, or you would not thus insult me. I will hear your questions, and will answer them truly if I can, or if I shall deem it proper to answer them, whether I shall be released now, or remain here to the end of my natural life. What I shall say will be

the truth, whether it should suit your purpose or not." After profuse apologies, he said: "I am Judge Advocate on the staff of General Dix, and am here in my official capacity. I have had much experience of late as a Judge; I am pushing inquiries relative to that dreadful affair of Good Friday last," pulling some papers from a large envelope; "I refer to the assassination of President Lincoln." Springing to his feet, Mr. Wright exclaimed, "What do you mean, sir?" The Judge Advocate bade Mr. W. to be calm, and cast his eye toward the stalking sentry at the door, with an ominous glance toward the prisoner, which bespoke power. Then opening a paper, he read its contents, commenting on the sentences as he read them. He argued that the prisoner must unquestionably be a party to a conspiracy long since organized to assassinate President Lincoln, remarking that the "*argument was well drawn, and the conclusion inevitable.*"

When the reading of the papers was over, and the inferences discussed, as far as force of patience on the part of the prisoner would allow, the Judge Advocate asked for a statement of his case, which Mr. Wright freely gave him. Bolles listened attentively, and noted accurately his words:

"I stated that I came from New Orleans to the West in the spring of 1857, and in the spring of 1859 I brought my family, with our servants, to St. Louis, and settled myself there for life, and engaged in the practice of my profession. It seemed to me needful to state that, during the latter part of 1857, and all of 1858, I had been in Iowa and Illinois, until I went to St. Louis, in the spring of 1859. He took down this statement, but used the word 'citizen,' making me to say that I was a citizen of Iowa and Illinois prior to my removing to St. Louis. I objected, saying, 'I was never a *citizen* of those States, but was merely a *sojourner* or *denizen*.' He made the correction I desired, and then added, 'You are now a citizen of Massachusetts, and are likely to remain so for some time to come.'" Thus another political farce ended, and with it died the prisoner's new-born hope of release.

Mr. Wright remained a prisoner in Fort Warren about

four months, and was released from his long and unjust confinement of *fifteen months*, about the first of August, 1865. No specific charges were ever made against him, nor any trial accorded him, unless a just public can pronounce the above examination, by Judge Advocate Bolles, a trial.

In conclusion, Mr. Wright says:

"I would not cherish a spirit of hatred nor revenge toward any man, not even toward one of those who persecuted me so mercilessly. I would fain believe that they were even conscientious in regard to their treatment of me, and that they thought themselves to be doing the behests of justice in view of a supreme necessity, which, if it had existed, would not have justified such outrage upon my rights to liberty and the pursuit of happiness. While I will freely ascribe to them proper motives and just considerations, I shall demand of them a due respect for my own motives, and a just consideration of all my actions touching affairs of great public interest and concern.

"I aver, that from the first hour of the signal epoch which has made up its scroll for the recording angel, I have never known but one sentiment in regard to my country, my whole country; and that had for its burden her past and future renown, through the exaltation of splendid States, each free and independent, the grand creation of her sovereign people. It is, *it was*, my simple right, nay more, my highest duty, as a free citizen, to scrutinize the conduct of men who had been raised to the places of power as servants of the people, and to judge their policy in regard to affairs committed to them, equally in a season of public emergency which threatened the destruction of all that we hold sacred, and even the entire social order, as in time of peace and tranquillity. I availed myself of that sacred right, and that was the sum of my offending. I shall again and always use that right, though the gates of the Bastile should again close behind me, and the leaden-winged months once more inscribe afresh the horrors which time cannot efface from my memory.

"While my soul would fain exalt itself in praise to Almighty

God for his dispensations, whether terrible or joyful, I would bless anew the tyrant, my oppressor, and all his myrmidons, in that they were, unwittingly, however, His appointed agencies for my instruction and exaltation. I have learned 'how sweet are the uses of adversity' — how far more precious than gold are the lessons which persecution may impart to him who will admit into his soul the cheering light of sublime faith — how sweetly wisdom comes with her gentle insinuations in the darkest hour of trial, though in the sunshine of prosperity and success she had knocked at the door only to be scorned and denied admittance! How sweetly the grateful memories come, troop on troop, to the prisoner in his cell — come on the moonbeams, on the wings of zephyr, and even upon the harsh breath of the storm as it makes the voices of midnight revelry around battlement and tower. Ay! some holy recollections are mine! ye tyrants, usurpers, myrmidons of power! But they can never be yours! never! Ye have gathered spoils, of war and of fraud — the price of blood and the purchase of the soul's virtue! Ye flaunt the gems which meanest power has filched from weakness and innocence, until the sunlight blushes red in their flashing brilliancy! Ye may gather to these all that Golconda, Peru, and the unravished bed of the ocean may yield, and yet, with their sum twice told, ye may not purchase the immortal gems and pearls I gathered in your grim 'BASTILE BY THE SEA!' Your day has come, but its fading light proclaims the fearful night ye contemplate with fear and trembling, like cowards that await an avenging justice without hope; while your victims wait their morning, whose dawning light even now climbs up the heavens to their view."

The following beautiful poem was composed by Mr. Wright while a prisoner in Fort Warren:

MY BASTILE YEAR.

Oh! heavy, sad, and gloomy year!
As now thy retrospect I scan,
Memory waits to drop one tear
For th' inhumanity of man:
Thy record, traced upon my soul,
Each burning line instinct with life,
As though some fiend had marred the scroll,
Is stained with hate and fear and strife.

There lingers yet an angry cloud
Which shuts out every cheering ray;
I list the thunder, deep and loud,
And watch the vivid lightnings play;
Anon, that cloud by thunder riven
And scattered in the lightning's gleam,
I see beyond a silvery heaven
Where blessed rays of promise beam.

I note some weird pictures there,
And seem to hear th' enraptured strains
Of wildering accents on the air
Which zephyr wakes along the plains

There Love's enchantments lingering glow
As now she weaves her magic spell;
I list her voice in numbers flow
Like echoes of a fairy bell.

Dear Friendship, too, handmaid of love,
Hath left the impress of her hand,
As to my questioning heart she 'd prove
Her kindred with the angel band.

Now Hope essays her magic powers
To lend her radiance to the scene,
Still strives to cheer my weary hours,
Yet with illusions sweet, I ween;
She nestles under fancy's wings,
And glistens in the beams of noon.
Now her entrancing carol sings
And flies me with the waning moon.

Oft she has sought my casemate cell
To lure me with a cheering beam.

But when the stalking sentries yell
She flees like phantom of a dream;
But still she points me to the skies,
And leads her sister, Faith, to me.
That from despair my soul may rise
And bright, celestial joys may see.

Faith, sweet messenger of Heaven
To every wretched child of earth,
Now whispers me her mission given
To tell my soul its heavenly birth;
She blends her light with Hope and Love,
And sheds her pure, transcendent rays
T' illume the path to realms above,
Where pleasures dwell through endless days
And Faith brings Patience in her train,
The virtue gentle, meek, and fair;
She constant sings her dulcet strains
With chorus spirits of the air.

Be still, sad heart! thy murmuring cease,
And heed the message from above!
There 's nought of earth thy pain can ease,
Make room for Patience, Faith, and Love.

Now, Memory! the scroll is thine,
Essay thereon thy weird skill,
Bid hate to mar no single line
By faintest trace of suffered ill.

Let envy's dull envenomed trace,
As serpent slimes the fairest flowers.
Thy precious tablets ne'er deface,
Nor soil the wings of golden hours

Dispel the dark'ning shades of fear
That come like shadows of the night,
Tell my sad heart that God is near,
He ever will defend the right.

Let malice ne'er the cup infuse,
Which angels proffer to my lips,
Brimful with nectar, pure as dews
The bee from th' opening rosebud sips
Should she, perchance, prevail to blot
Thy record of my Bastile year,
Bid Charity conceal the spot,
Or cleanse it with a shining tear.

Oh! let oblivion's darkest wave
 Roll o'er thy gathered horrors now,
Or hide them in that welcome grave,
 O'er which eternal waters flow.

Thy task is done; bind up the scroll;
 Bear it in triumph to thy shrine,
And thither lead my willing soul,
 To dream in pleasures only thine.

HON. RICHARD H. STANTON.

NO more flagrant outrage upon the rights of citizens was perpetrated during the war, than the arrests made at Maysville, Kentucky, on the 2d of October, 1861, by General William Nelson. They were not made because the exigencies of the military service or the safety of the country demanded them, but because a few political leaders, to whom General Nelson had surrendered himself, expected to promote their party interests, by getting rid of the most influential Democrats in the community.

General William Nelson was at that time recruiting his brigade in Mason, and the adjoining counties, and had established a camp a short distance from Maysville. His headquarters were in the city, where he was surrounded by his counsel of advisers, a few men who had been the life-long enemies of the Democratic party. These men made out a proscription list for General Nelson, embracing about twelve of the leading and most influential Democrats of the city, and urged their arrest and departure from the State.

On the morning of the 2d of October, 1861, two hundred armed soldiers, from the camp, under General Nelson's orders, were marched into the city, and stationed at the market-house. Squads were sent out, and the following gentlemen, whose names had been selected by the political coterie who controlled General Nelson, were suddenly seized and placed in custody of the armed force at the market-house: the Hon. Richard H. Stanton, James H. Hall, Washington B. Tolle, Benjamin F. Thomas, Wm. Hunt, Isaac Nelson, George Forrester, and William T. Castoe.

Mr. Stanton had been an influential and leading Democrat, who represented his district in Congress, from 1849 to 1855,

and filled other important and responsible public positions. He was, at the time of his arrest, the Prosecuting Attorney for the judicial district in which he lived, and has since been unanimously nominated for Circuit Judge, and elected by a majority of about twenty-five hundred. He is now presiding as Judge in the Fourteenth Judicial District of Kentucky.

James H. Hall was the proprietor of a large flour manufacturing establishment, and a most estimable and worthy citizen. Though a decided Democrat, he had never actively participated in political strife.

Washington B. Tolle was a leading member of the mercantile firm of Pierce, Tolle & Holton, a quiet, amiable gentleman, who had taken so little part in politics, that his Democratic sentiments were absolutely unknown outside of his own immediate personal friends.

Benjamin F. Thomas was the senior member of the firm of B. F. & O. H. P. Thomas, and one of the best-beloved citizens of the place; distinguished for his integrity and private virtues, and, although firm and decided in his political sentiments, was always modest and unobtrusive in giving them expression.

William Hunt was a tobacco merchant, an upright and worthy citizen, and universally esteemed by the community.

Isaac Nelson was a liquor and commission merchant, a man of generous nature, sterling integrity, and much personal popularity

George Forrester was a Democratic editor, and William T. Castoe a young lawyer of fine talents and conversational powers.

John H. Richardson, another merchant of high standing, was also upon the proscriptive list, and was arrested; but, by the intercession of some of his friends, was released after a short detention.

Each of these gentlemen was in the quiet pursuit of his business when the arrests were made. Others had been deliberately marked as victims, but were either not in town, or received timely warning, and managed to keep out of the

way. The sudden seizure of so many of the best, and least to be suspected citizens of the town, produced intense alarm and indignation, and in a few minutes the whole community was aroused. The friends of Mr. Stanton immediately applied to the Hon. E. C. Phister, then Circuit Judge, for a writ of *habeas corpus*, which was promptly granted, and placed in the hands of the Sheriff. He proceeded to execute it, but was prevented by General Nelson and his soldiers. The prisoners were then marched through the streets to a steamboat in waiting at the wharf, and carried to Cincinnati, under charge of a squad of soldiers. After the departure of the prisoners, the indignation and excitement of the community continued, and became so intense as to alarm the valiant General Nelson, and the political conspirators by whom he had been induced to commit so wanton and unprovoked an outrage, for their personal safety. A regiment of soldiers was sent for and brought from Ripley, Ohio, for their protection.

The appearance of this re-enforcement gave General Nelson and his friends relief, but caused hundreds of brave and gallant men of Mason, and the adjoining counties, to hasten into the Confederate lines. Not only did the young men rush in crowds to the ranks of the Confederate army, but many of the very best and worthiest of the old citizens, terrified by the brutal and wanton arrest of quiet and peaceful citizens, and apprehending for themselves like treatment, fled for safety to the mountains, and placed themselves under the protection of the Confederate Generals Marshall and Williams.

Nothing contributed so much to recruit the armies of the Confederacy from Kentucky, as this, and similar outrages committed by the Federal authorities upon her citizens. Of the ten hundred and thirty-one Confederates who met, whipped, and drove General Nelson and his army of three or four thousand men from Ivy Mountain in disorder and confusion, fully one-half were of those who had been compelled to leave their homes in Kentucky, under the terror inspired

by arbitrary arrests, and other outrages upon the rights of peaceful citizens. The exploit at Ivy Mountain was so disgraceful to General Nelson, that President Lincoln, when he heard of it, could not refrain from illustrating it by a characteristic anecdote, which many will remember, as not less distinguished for its obscenity than for its appropriateness.

The gentlemen arrested at Maysville had committed no offence, done no act, which authorized their arrest, or in any manner compromitted themselves as loyal citizens. They were never apprised of any charges made against them. They were arrested, exiled from the State, and imprisoned, for no other reason than being Democrats. They preferred to suffer persecution and outrage, rather than sacrifice their political convictions.

Mr. Stanton and his fellow-prisoners were taken to Cincinnati, and there delivered to General O. M. Mitchell, then in command at that place. Judge Leavitt, of the United States District Court, upon the application of Mr. Stanton, issued a writ of *habeas corpus*, commanding the prisoners to be brought before him, that he might inquire into the legality of their detention. Here, as at Maysville, the law was trampled under foot by the military authorities — General Mitchell refusing to allow this great writ of liberty to be executed. Congress had not then passed any law suspending the writ of *habeas corpus*.

The prisoners were hurried off to Camp Chase, where they were confined, with two hundred others, in a plank enclosure of about one hundred and fifty feet square, during the whole of the month of October. When the prisoners were thrust into this pen, no particular place was assigned them. They were compelled to depend upon the charity of those occupying the place before their arrival, for a spot upon which to rest themselves. Sixteen men were huddled together in each of the little plank shanties within the enclosure, and required to eat and sleep, crammed together, like so many hogs in a railroad car. This the Maysville prisoners were compelled to endure for a month. The

Andersonville prison, or any other in the Confederacy, could not have been worse in its accommodations than Camp Chase, during the month of October, 1861; and yet these gentlemen were taken from the comforts of their homes and thrust into this wretched place, not because they had committed any offence against the laws, but to appease the malice of political enemies, or give *éclat* to the exploits of petty military upstarts.

During the whole period of their confinement in Camp Chase, they were without fire to keep them warm, were furnished with but one blanket each, and compelled to sleep upon the hard floor of their filthy cabin. The food furnished by the Government, consisted of coarse bread, fat bacon, and refuse pieces of beef. No negro upon his master's plantation ever fared worse

On the 1st of November, a cold, rainy, and cheerless day, a Lieutenant made his appearance at the door of the Maysville prisoners, and required them to answer to their names. They were then ordered to pack up their baggage and prepare to leave. They were placed in an omnibus and driven to Columbus, where they took the cars, without knowing their destination. It was not until some time after the cars had left, that the Lieutenant apprised them, that they were ordered to Fort Lafayette, in the harbor of New York.

They reached New York on the 2d of November, and entered the Bastile the next morning. They found their quarters there more comfortable, and the bearing of the jailers more gentlemanly and humane.

They were kept in Fort Lafayette for two months, and then discharged, without having been allowed a trial or even informed of any charges which existed against them. Mr. Stanton's friends, from various parts of the United States, and the friends of his fellow-prisoners, made frequent applications to the Secretary of State, William H. Seward, to know for what offence they had been arrested, and upon what charge they were detained. The universal response was, that there were no charges against them, but that Maryland had been

kept in the Union by arresting her best citizens, and that Kentucky should be treated in the same manner.

The insufferable meanness of Mr. Seward was well illustrated by an incident which occurred during Mr. Stanton's confinement. Some friends of the Secretary had fallen into the hands of the Confederates, whom it was desirable to have released by exchange. It was thought Mr. Stanton's desire to be released would incline him to accept readily *a proposition of exchange for one of Mr. Seward's friends.* A New York lawyer was commissioned to go to the Fort, suggest the proposition to Mr. Stanton, and, if possible, obtain his consent. The commission was executed; the lawyer made his proposition, but went back with this indignant message to the Secretary: "Go, sir, and tell Mr. Seward, who sent you, that I am a citizen of Kentucky, unjustly deprived of my liberty and that I will not leave this prison unless unconditionally discharged. I am no Confederate, and the Government has no right to make me one against my consent, and shall not do it if I can prevent it."

Judge Stanton was released on the 26th of December, 1861, after an imprisonment of nearly two months in Fort Lafayette, and after the wily Secretary had vainly exhausted his resources to entrap him into an admission of guilt by an exchange.

JOHN W. SMITH, *alias* THE WANDERING JEW

"I am as homeless as the wind that moans
And wanders through the streets."

THE WANDERING JEW, as Mr. John W. Smith was familiarly called during his sojourn in the Old Capitol Prison, was an old man, of not less than sixty-five years, blind of one eye, a homeless, and apparently friendless wanderer. He was a native of one of the counties of Virginia contiguous to Washington, but had left his native State in his youth, and wandered to the West, where he spent most of his subsequent life on the frontiers. He migrated to Kansas soon after that portion of the country became organized into a Territory, and engaged in merchandising and general trading.

During the troubles in the Territory between the John Brownists and their opponents, he lost his property by the theft of the John Brown and Lane gangs of marauders. This naturally soured him against the Abolitionists, whom he regarded with an aversion which, with him, knew no bounds.

The immediate cause of his arrest (as well as it can be ascertained) was his invention of a bomb for disabling locomotives while in motion, without injury to the railroad trains. The object, it would seem, of Mr. Smith, in this invention, was to place it at the disposal of the Federal Government, as soon as he got it perfected, and proper models made for its experiment. He had a friend in St. Louis, to whom he communicated his invention and design, requesting aid to enable him to get up a proper model, as the Ordnance Department, it appears, takes no notice of inventions whose utility cannot be practically demonstrated.

The correspondence between Mr. Smith and his friend at St. Louis was seized, on suspicion of its having referred to some diabolical design against the Federal Government, and Smith himself was seized at Jacksonville, Illinois, early in August, 1862, and transported to the Old Capitol Prison.

He was placed in the hospital, temporarily, with Dr. Hewitt and others, for whom there was no accommodation elsewhere, and in due time became an occupant of room No. 13, and subsequently of No. 16.

The conduct of the Administration toward this feeble, penniless, infirm old man, aroused the sympathies of his fellow-prisoners. When first introduced to them in No. 13, he had neither coat nor hat, and no change of clothing of any kind, and it was some time before those who had the means to help him found an opportunity to do so. Being a Freemason of high degree in the order, he contrived to make his situation known to his brethren in Washington, and through the kind offices of Dr. Hull, who had access to the prison, the Masons supplied some of his wants.

When Mr. Smith was brought to the Old Capitol he was stripped nude, and his rags of clothes and *person* searched for evidences of whatever charge was made against him, or of the suspicions entertained of him. But nothing was found to implicate him, or convict him of any offence. Nevertheless, he was kept nearly two months in the building, and was only released at last (as were several others at the same time) to make way for some other victims.

Like all others, he was wantonly kidnapped and cruelly punished without cause, trial, or judgment.

Papers of value to him were taken from his person when arrested, and on applying for them when he was released, they were withheld. He had an inventive mind, and was continually thinking of improvements in implements of husbandry and domestic economy; and, during the war, of improvements of arms, projectiles, etc. He had patented several improvements in beehives and farm implements, but, like

most inventors, realized little or nothing from the fruits of his genius.

The papers taken from him had reference to inventions, and when he was set at liberty they had been confiscated, doubtless, as was the property of many other victims. When this poor, miserable man was discharged, he was compelled to beg the means to feed himself, on his way home, the Government furnishing only transportation.

GENERAL WILLIAM BRINDLE.

GENERAL WM. BRINDLE is a native of Muncy, Lycoming County, Pennsylvania. He represented, with ability, his county in the Legislature, during the session of 1850–51, and was one of the committee that drew up the Tariff report, which was presented to the House on the 3d of February, 1851.

Early in the year 1856, he removed to the Territory of Kansas, and was commissioned by President Pierce, (with whom he had served in the Mexican war,) Indian Land Agent, with authority to sell United States lands in the Territory, and receive the proceeds arising from the sales. His commission reached him on the 13th of September of that year, the anniversary of the entrance of the American army into the city of Mexico. General Brindle continued to hold this position until the election of Mr. Lincoln to the Presidency, when he resigned, but was not relieved by the appointment of a successor until May, 1861.

During the Kansas difficulties of 1856 and 1857, General Brindle took an active part in the politics of that State, and was mainly instrumental in ferreting out and defeating the now well-known "Candle Box" election frauds of Calhoun and McLean, and in proving the perjury of the latter. The General, although a Democrat, opposed both extremes of the "Kansas Question," and, as a friend of the people, he used his utmost endeavors to obtain for them a fair election.

He was arrested about 1 o'clock P.M., on the 28th of July, 1862, at his residence in Lecompton, Kansas, by a Government detective, named Carpenter, supported by a company of Wisconsin cavalry.

General Brindle demanded to know by what authority his premises were surrounded by armed men, and he deprived of liberty. The officer in command replied that it was by order of General Blunt.

When asked to produce the order, the officer commanded the ten men in the room to draw their revolvers, which they did, covering the person of the General. On being informed that no resistance was contemplated, the soldiers lowered their weapons.

The General then inquired upon what charge or charges he was arrested, and was informed that it was on account of his being a terror to the Union men, and having arms in his house.

The absurdity of the first charge is manifested by the fact that there were seated in the room, at the time, several extreme Abolitionists of Lecompton and the vicinity, who had just dined at the General's table.

Accompanied by his wife, he set out for Fort Leavenworth the same evening, guarded by the detachment of cavalry. The command halted in the city of Lawrence for the night, when, through the influence of an extreme anti-slavery man, but a personal friend, he was released on his parole to report the following morning at nine o'clock.

Here the General and wife were hospitably entertained by Dr. C. E. Miner and family, of that city. The Doctor, who was present at the time of his arrest, and knowing its injustice, and who was, moreover, a bold and defiant friend of constitutional liberty, and a sworn enemy to the despotism then reigning supreme in Kansas, went with him to the headquarters of Captain Stout, where, in the presence of the military authorities and detectives, he boldly denounced the arrest, and offered to accompany the General to Fort Leavenworth.

The command pushed forward, and arrived at Leavenworth City about dark. The General obtained permission to accompany his wife to the Planters' House, where he met some friends connected with the army, who, learning of his arrest,

volunteered to go to the Fort and procure his release, which they did the same evening.

He was confined in one of the most filthy prisons it is possible to conceive, and which he found to be full of old residents of the Plains, who had been seized, dragged from their homes, and imprisoned for weeks, without any known cause, and denied all intercourse with outside persons.

The sanitary condition of the prison was totally neglected, and the stench, arising from the accumulated filth on the floor, was sickening. Soon after entering it, he had an opportunity to see the food furnished the prisoners for supper, which was as loathsome and disgusting as it was unwholesome, and was totally unfit to be eaten by a human being.

This, together with other uncalled-for inhumanities which were practised on those noble pioneers of civilization, who were charged with no offence, and whose fealty to the Government was above reproach, was an act of cruelty and injustice which will be remembered by the citizens of the West, long after its perpetrators shall have sunk into the tomb of the Capulets.

As soon as the friends alluded to could go to the Fort and obtain an order for the General's release, he was discharged, but ordered to report at 9 o'clock A.M., on the 30th of July.

He reported at the Provost Marshal's office at the appointed time, and was informed by that official, that there were no charges against him, but that he must enter into bond, with security, not to leave the State without the permission of the Military Commission, and to appear before it when notified to answer to any charges that would be made against him.

On the 18th of August, he demanded an honorable release from his bond, which was sent to him with the following indorsement:

"Prisoner honorably discharged, August 26, 1862, and bond cancelled. (Signed) E A. CALKINS,
Major 3d Wisconsin Cavalry, and Provost Marshal"

On the morning after his release, he made known to the residents of the city of Leavenworth, that a large number of persons were held in durance by the military authorities, who did not know why they had been arrested, as no charges had been filed against them. He succeeded, with considerable difficulty, in obtaining their release on the last day of July.

General Brindle returned to his native State in October, 1862, where he has since resided.

JOHN T. GILMER, M.D.

DR. JOHN T. GILMER, of Adams County, State of Illinois, was born in Wilkes County, Georgia, in the year 1808. He was a son of Dr. John T. Gilmer, a Virginian by birth and education, who removed from Virginia to Georgia, and from Georgia to Kentucky, in the year 1813, and from Kentucky to Illinois in 1833.

The subject of this sketch had in early boyhood embraced the Christian religion, and, throughout his life and in the hour of death, he was cheered and sustained by its influence.

He was courteous, kind, generous, and hospitable. These virtues drew around him the poor, who sought his beneficence, the helpless, to whom he extended a generous aid, and the persecuted, who found shelter beneath his roof.

A hungry man never left the house of Dr. Gilmer, nor did a shivering stranger ever approach it without receiving an invitation to warm at his fires, and share the comforts of his home.

When the reign of cruelty, torture, and terror was supreme in Missouri, hundreds of its best citizens were driven out of their houses to witness the destruction of their property, insult to their families, and to make their escape at midnight, by the dazzling light of their burning dwellings. Others, seeing their parents or children shot down, fled, to escape with their lives, and in distant places sought shelter, until the murderous storm was over.

> "Wherever they hoisted their standards black,
> Before them was murder, behind them was wreck."

Men were shot down in the fields, and their remains were fed to the swine. Nameless cruelties were perpetrated, until many

of the people of Missouri were strangers and pilgrims, scattered over the Mississippi Valley.

The wide extent of Dr. Gilmer's acquaintance, as a member of the Christian Church and as a physician, attracted many of the most respectable of these refugees to his house, where he entertained them with a liberality, which will be kindly remembered after his persecutors are dead and forgotten. This kindness was considered an offence against "loyalty," and occasioned his arrest.

In the summer of 1863, the Doctor was seized at his home and dragged to Quincy, by a regiment of mercenaries, mainly Austrians, who had been engaged with Haynau in his butcheries in Hungary, and who had committed several murders in the Quincy military district. From Quincy he was taken to Springfield, Illinois, by these brutes, (who had insulted his family at the time of his arrest,) cast into a miserable, filthy prison, and there detained until the indignation of the people, at the grossness of these outrages, became so wide-spread, that the authorities were compelled to release him.

He had committed no offence, unless it be an offence to feed the hungry, clothe the naked, and visit the sick.

This imprisonment wounded his proud and sensitive spirit to such an extent, that he never afterward enjoyed good health. He had a stroke of apoplexy, induced by his imprisonment, from which he partially recovered, but finally yielded to its power.

He died as he lived, the friend of liberty, and the servant of God.

JOHN H. COOK.

THE case of Mr. John H. Cook, although not a grievous one in comparison with others, because he was not subjected to the personal indignities which many others suffered, is an interesting one from the fact that it shows the malice, the lawlessness, and the vindictiveness with which he was persecuted.

Mr. Cook was born in the village of Seaford, Sussex County, Delaware, on the 22d day of July, 1817. He has been for thirty-three years a resident of the city of Philadelphia, and has always borne an unexceptionable character.

He was arrested on the 22d of September, 1862, on an order issued by the Secretary of War, Edwin M. Stanton, and directed to Benjamin Franklin, Chief of the Detective Police Force of the City of Philadelphia. The names of those who are supposed to have made the affidavit on which the warrant for Mr. Cook's arrest was issued, are George Wood, William Lowry, and Thomas Naylor. The order was placed in the hands of John Lemon and W. Bartholomew, who made the arrest. Mr. Cook knew not then, nor has he yet been informed of the cause of his arrest, but supposes it was because he had the moral courage to openly proclaim himself a Democrat.

At the time of his arrest, he was engaged at his daily business, he being the receiving teller in the Kensington National Bank, which position he has held with credit for fifteen years. He was taken from the bank to the Mayor's office, and incarcerated in the room of the detectives. Mr. Cook having, on his way thither, incidentally met with I Newton Brown, Esq., a member of the Philadelphia bar, in an undertone stated his case, and requested Mr. Brown to

apply for a writ of *habeas corpus*, which he did immediately, while the prisoner was still in confinement. Mr. Lemon, one of the detectives who had made the arrest, called him out after an hour or so, and was about to take him away, to lock him up in a cell until the train left in the evening for the city of Washington. Mr. Cook asked where he was going, and the reply was as above stated. He solicited the favor of another half-hour, knowing that before its expiration Mr. Brown would return with the writ. The request was granted, and he was returned to the office, and shortly afterward ordered before the court.

The writ was granted, and the officers having him in custody not being able to name any charge against him, the United States District Judge, Cadwalader, proposed holding him in his own recognizance, but the detectives claimed him as a prisoner of the Government. Cook, feeling secure for the time being, said he was perfectly willing they should hold him as a prisoner of the Government. They then imprisoned him in a station-house during the night, "a lock-up" for thieves, burglars, and pickpockets. The next day he was brought before the United States Court, George A. Coffey, Esq., acting as counsel for the Government; but he not having received any instructions from the Department at Washington, requested the case might be continued until the following day. This was granted, and Mr. Cook was held in three thousand dollars bail for his appearance.

On the succeeding day, Mr. Cook made his appearance in court with his counsel, Messrs. George M. Wharton, Charles Ingersoll, and John A. Marshall, who had been retained for the prisoner, in addition to Mr. Brown. On his second appearance, the Judge Advocate, Mr. John C. Knox, surprised the Court, and the anxious spectators, by the announcement that the Government had ordered the prisoner's discharge.

Thus ended this unjust attempt to injure and disgrace a most worthy citizen of Philadelphia, whose son at that time, was in the army, fighting for and protecting these miscreants at home.

HON. GEORGE WILLIAM BROWN.

HON. GEORGE WILLIAM BROWN, a distinguished lawyer of Baltimore, was elected Mayor of that city, in the autumn of 1860. For a number of years previously, the city had been entirely under the control of the Know Nothing party.

After that party came into power, it so mismanaged public affairs that it fell largely into the minority; but, having the appointment of all the officers, including the judges of election and police force, it succeeded in carrying every election by a system of organized fraud and violence at the polls, which, up to that time, was without a parallel in the history of the country.

This state of things led to the formation of the Reform party. After a strenuous and determined, but ineffectual resistance at the polls, the leaders of the Reform movement applied for and obtained from the Legislature of the State, a system of laws, very carefully prepared by them, which provided for the creation of a Board of Commissioners by the State, with power to appoint and control the police, and also appoint the judges of elections.

Under the operation of these laws, there was held, in the autumn of 1860, the first fair and peaceable election which had taken place in the city of Baltimore for many years, and Mr. Brown, as the nominee of the Reform party, (of which, from the beginning, he had been a prominent member,) was chosen Chief Magistrate of the city by a very large majority.

One of the cardinal principles of the party was to keep the affairs of the city carefully separated from national politics, and this principle Mr. Brown steadfastly adhered to throughout his administration, notwithstanding the difficulties interposed by the breaking out of the war.

Mr. Brown's opinions on national affairs were, however, very decided, and were freely expressed. He was opposed to slavery, and earnestly desired to see it abolished by constitutional and legal means, but by those only. He did not think that a State had a constitutional right to secede from the Union, but he believed that the constitutional rights of the Southern States had been persistently violated by the Northern States, on a point which the former had always regarded as fundamental — the rendition of fugitive slaves; and that not only was the General Government both unable and unwilling to afford redress, but that the advent of the Republican party to power on the basis of the Chicago platform, and with its avowed hostility to slavery, clearly boded additional aggressions on the rights of the slaveholding States.

On these grounds, while he deprecated secession as an unwise step, he thought that the North should either guarantee to the South its constitutional rights, or let it depart in peace, and he was therefore opposed to the war, which he believed to be waged for the purpose of subjugation.

Maryland being a Border State, it was natural that the sympathies of her people should be divided, but it is undoubtedly true that the feelings of the large majority, both in the State and in the city of Baltimore, were strongly enlisted on the side of the South. When, therefore, the President, by his proclamation issued in April, 1861, called out a volunteer force of seventy-five thousand men, who were to assemble in Washington, a violent feeling of indignation was aroused. It was regarded as an attempt to overrun and subjugate the South.

The first detachment of troops came from Pennsylvania, and were without arms. They were escorted through the city by the police, who protected them from violence from the angry crowd who followed them.

The next day, the memorable 19th of April, a body of troops fully armed and equipped, arrived from Massachusetts. The police authorities had previously, but in vain, endeavored to ascertain the precise time of their arrival, in order

that proper arrangements might be made for their reception, and had kept the whole police force for many hours in readiness, so that they were almost worn out from fatigue. But the authorities of the United States kept back all information, until about an hour before the troops actually arrived, and then gave instructions which proved to be most injudicious.

The police authorities were directed to receive the troops at the Camden or Washington Station, although they were to arrive at the other end of the city, at the Philadelphia Station. They were not to march through the city, but were to be carried through on the cars. The first cars came safely through to the Camden Station, where the police were drawn up in force, but the last were not so fortunate. A mob tore up the rails near the Philadelphia Station, and a force, consisting of several companies, was compelled to leave the cars and march.

The mob was unarmed, except a few pistols, and attacked the soldiers with stones and such missiles as they could lay hands on. The Mayor had left the Camden Station, supposing that all the troops had safely arrived there, and that the danger was over, and was walking to his office in the direction of the advancing companies, when information was brought to him of the attack. He immediately hastened to the spot, and sent an order to the Marshal to follow with a body of the police. He met the troops rapidly marching, the crowd following. He placed himself at the head of the troops and marched with them, but his presence did not avail either to protect them from attack or the citizens from their indiscriminate fire.

Men were killed and wounded on both sides. Soon, however, the Marshal of Police, at the head of about fifty men, rushed forward from the direction of the Camden Station, passed to the rear of the troops, threw themselves across the street, and, with pistols presented, kept back the advancing mob.

The soldiers, thus protected, marched to Camden Station,

were placed in the cars, and sent forward to Washington, and but for this timely succor would have suffered severely. The effect of the collision on the people was instantaneous and prodigious. Citizens not engaged in the strife had been killed. Scenes of future bloodshed were apprehended; the passions of the young and excitable were fearfully aroused, and the most sober-minded, and even those of the strongest Union sentiments, for a time shared in the excitement.

The people appeared to have come to the unanimous determination that no more troops should pass through the city. But other troops were known to be on the way, and might arrive at any moment, and their arrival would have been the signal for the renewal of the strife.

The authorities of the city telegraphed to Washington, but received no reply. In this dilemma, the Mayor and Police Commissioners, with the approbation of Governor Hicks, who was then in Baltimore, caused certain bridges on the Northern Central Railway, and the Philadelphia, Wilmington and Baltimore Railroad, to be disabled; and this was done just in time to prevent a body of unarmed troops, from Pennsylvania, entering the city.

On Sunday morning, April 21, at about 3 o'clock, Mr. Brown received a telegram from President Lincoln, requesting him and Governor Hicks to go to Washington, and stating that a special train would be provided for the purpose. Governor Hicks had gone to Annapolis, but Mr. Brown, accompanied by several friends, proceeded at once to Washington, and had a long interview and frank explanation and interchange of opinions with the President and Cabinet, and also with the Commander-in-chief, General Scott, who was present at the meeting.

The substance of the interview was published at the time in the following card, which appeared in the papers:

"BALTIMORE, April 21, 7½ o'clock P.M.

"Mayor Brown received a telegram from the President of the United States, at 3 o'clock this morning, directed to himself and

Governor Hicks, requesting them to go to Washington by special train, in order to consult with Mr. Lincoln for the preservation of the peace of Maryland. The Mayor replied that Governor Hicks was not in the city, and inquired if he should go alone.

"Receiving an answer by telegraph in the affirmative, his Honor, accompanied by George W. Dobbin, John C. Brune, and S. T. Wallis, Esqs., whom he had summoned to attend him, proceeded at once to the station.

"After a series of delays, they were enabled to procure a special train, about half-past seven o'clock, in which they arrived in Washington about 10. They proceeded at once to the President's House, where they were admitted to an immediate interview, to which the Cabinet and General Scott were summoned. A long conversation and discussion ensued. The President, upon his part, recognized the good faith of the city and State authorities, and insisted upon his own.

"He admitted the excited state of feeling in Baltimore, and his desire and duty to avoid the fatal consequences of a collision with the people. He urged, on the other hand, the absolute, irresistible necessity of having a transit through the State for such troops as might be necessary for the protection of the Federal Capital.

"The protection of Washington, he asseverated with great earnestness, was the sole object of concentrating troops there, and he protested that none of the troops brought through Maryland were intended for any purpose hostile to the State, or aggressive as against the Southern States. Being now unable to bring them up the Potomac in security, the Government must either bring them through Maryland, or abandon the Capital.

"He called on General Scott for his opinion, which the General gave at length, to the effect that troops might be brought through Maryland without going through Baltimore, by either carrying them from Perrysville to Annapolis, and thence by rail to Washington, or by bringing them to the Relay House, on the Northern Central Railroad, and marching them to the Relay House, on the Washington Railroad, and thence by rail to the Capital.

"If the people would permit them to go by either of these routes uninterruptedly, the necessity of their passing through

Baltimore would be avoided. If the people would not permit them a transit thus remote from the city, they must select their own best route, and if need be, fight their way through Baltimore, a result which the General earnestly deprecated.

"The President expressed his hearty concurrence, and said that no troops should be ordered through Baltimore if they were permitted to go uninterrupted by either of the other routes suggested. In this disposition the Secretary of War expressed his participation. Mayor Brown assured the President, that the city authorities would use all lawful means to prevent their citizens from leaving Baltimore to attack the troops in passing at a distance; but he urged, at the same time, the impossibility of their being able to promise anything more than their best efforts in that direction.

"The excitement was great, he told the President; the people of all classes were fully aroused, and it was impossible for any one to answer for the consequences of the presence of Northern troops anywhere within our borders. He reminded the President, also, that the jurisdiction of the city authorities was confined to their own population, and that he could give no promises for the people elsewhere, because he would be unable to keep them if given.

"The President frankly acknowledged this difficulty, and said that the Government would only ask the city authorities to use their best efforts with respect to those under their jurisdiction.

"The interview terminated with the distinct assurance, on the part of the President, that no more troops should be sent through Baltimore, unless obstructed in their transit in other directions, and with the understanding that the city authorities should do their best to restrain their own people.

"The Mayor and his companions availed themselves of the President's full discussion of the questions of the day, to urge upon him, respectfully, but in the most earnest manner, a course of policy which would give peace to the country, and especially the withdrawal of all orders contemplating the passage of troops through any part of Maryland.

"On returning to the cars, and just about to leave, at 2 P.M., the Mayor received a despatch from Mr. Garrett, announcing the approach of troops to Cockeysville, and the excitement consequent upon it in the city.

"Mr Brown and his companions returned at once to the President, and asked an immediate interview, which was promptly given. The Mayor exhibited Mr. Garrett's despatch, which gave the President great surprise.

"He immediately summoned the Secretary of War and General Scott, who soon appeared, with other members of the Cabinet.

"The despatch was submitted. The President, at once, in the most decided way, urged the recall of the troops, saying that he had no idea they would be there to-day; and lest there should be the slightest suspicion of bad faith on his part, in summoning the Mayor to Washington, and allowing troops to march on the city during his absence, he desired that the troops should, if it were practicable, be sent back, at once, to York or Harrisburg.

"General Scott adopted the President's views warmly, and an order was accordingly prepared by the Lieutenant-General to that effect, and forwarded by Major Belger, of the Army, who accompanied the Mayor to this city.

"The troops at Cockeysville, the Mayor was assured, were not brought there for transit through the city, but were intended to be marched to the Relay House, on the Baltimore and Ohio Railroad. They will proceed to Harrisburg, from there to Philadelphia, and thence by the Chesapeake and Delaware Canal, or by Perrysville, as Major-General Patterson may direct.

"This statement is made by the authority of the Mayor, and Messrs. Geo. W. Dobbin, John C. Brune, and S. T. Wallis, who accompanied Mr. Brown, and who concurred with him, in all particulars, in the course adopted by him in the two interviews with Mr. Lincoln.

(Signed) GEORGE WM. BROWN, *Mayor*."

On the 27th day of June, 1861, the Marshal of Police was arrested by a military force, under orders from Washington, and placed in confinement. Soon afterward, by the same authority, the police force of the city was dismissed, and another police was established under military rule. Shortly afterward, and by the same authority, the Police Commissioners were arrested and placed in confinement.

The Mayor was, however, for some months longer left in the discharge of the functions of his office, except those pertaining to him as one of the Board of Police Commissioners,

and he studiously endeavored to discharge his duties in such a manner as not in any way to come in conflict with the Government of the United States.

The following correspondence between himself and General Dix, then the General in command in the city, will serve to show the spirit in which he acted, and the difficult position in which he was placed:

"HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Baltimore, Md., 3d September, 1861.

"To Hon. GEO. WM. BROWN, Mayor of the City of Baltimore:

"*Sir:* Reasons of state, which I deem imperative, demand that the payment of compensation to the members of the old City Police, who were, by a resolution of the Board of Police Commissioners, dated the 27th of June last, declared 'off duty,' and whose places were filled in pursuance of an order of Major-General Banks of the same date, should cease, I therefore direct, by virtue of the authority vested in me as commanding officer of the military forces of the United States in Baltimore and its vicinity, that no further payment be made to them.

"Independently of all other considerations, the continued compensation of a body of men who have been suspended in their functions by the order of the Government, is calculated to bring its authority into disrespect; and the extraction from the citizens of Baltimore by taxation, in a time of general depression and embarrassment, of a sum amounting to several hundred thousand dollars a year, for the payment of nominal officials, who render it no service, cannot fail, by creating wide-spread dissatisfaction, to disturb the quietude of the city, which I am most anxious to preserve.

"I feel assured that the payment would have been voluntarily discontinued by yourself, as a violation of the principle on which all compensation is bestowed — as a remuneration for an equivalent service actually performed — had you not considered yourself bound by existing laws to make it.

"This order will relieve you from the embarrassment, and I do not doubt that it will be complied with.

"I am, very respectfully, your obedient servant,

(Signed) JOHN A. DIX,
Major-General Commanding."

"MAYOR'S OFFICE,
City Hall, Baltimore, September 5, 1861.

"Major-General JOHN A. DIX, Baltimore, Md.:

"*Sir:* I was not in town yesterday, and did not receive until this morning, your letter of the 3d inst., ordering that no further payment be made to the members of the City Police.

"The payments have been made heretofore in pursuance of the laws of the State, under the advice of the City Counsellor, by the Register, the Comptroller, and myself.

"Without entering into a discussion of the considerations of which you have deemed sufficient to justify this proceeding, I feel it to be my duty to enter my protest against this interference, by military authority, with the exercise of powers lawfully committed by the State of Maryland to the officers of the city corporation; but, it is nevertheless not the intention of the city authorities to offer resistance to the order which you have issued, and I shall therefore give public notice to the officers and men of the City Police, that no further payments may be expected by them.

"There is an arrearage of pay of two weeks due to the force, and the men have by the law and rules of the Board been prevented from engaging in any other business or occupation. Most of them have families, who are entirely dependent for support on the pay received.

"I do not understand your order as meaning to prohibit the payment of this arrearage, and shall therefore proceed to make it, unless prevented by your further order.

"I am, very respectfully, your obedient servant,

(Signed) GEO. WM. BROWN,
Mayor of Baltimore."

"HEADQUARTERS DEPARTMENT OF PENNSYLVANIA,
Baltimore, Md., September 9, 1861.

'Hon. GEO. WM. BROWN, Mayor of the City of Baltimore:

"*Sir:* Your letter of the 5th inst. was duly received. I cannot, without acquiescing in the violation of a principle, assent to the payment of an arrearage to the members of the old City Police, as suggested in the closing paragraph of your letter.

"It was the intention of my letter to prohibit any payment to them subsequently to the day on which it was written.

"You will please, therefore, to consider this as the 'further order' referred to by you.

"I am, very respectfully, your obedient servant,

(Signed) JOHN A. DIX,
Major-General Commanding."

"MAYOR'S OFFICE,
"City Hall, Baltimore, September 11, 1861

"Major General JOHN A. DIX, Baltimore:

"*Sir:* I did not come to town yesterday until the afternoon, and then ascertained that my letters had been sent out to my country residence, where, on my return last evening, I found yours of the 9th, in reply to mine of the 5th inst., awaiting me. It had been left at the Mayor's office yesterday morning.

"Before leaving the Mayor's office, about 3 o'clock P.M., on the 9th inst., and not having received any reply from you, I had signed a check for the payment of arrears due the Police, and the money was on the same day drawn out of the bank and handed over to the proper officers, and nearly the entire amount was by them paid to the Police force before the receipt of your letter.

"The suggestion in your letter as to the 'violation of a principle,' requires me to add that I recognize in the action of the Government of the United States, in the matter in question, nothing but the assertion of superior force.

"Out of regard to the great interests committed to my charge as Chief Magistrate of the city, I have yielded to that force, and do not feel it necessary to enter into any discussion of the principles upon which the Government sees fit to exercise it.

"Very respectfully, your obedient servant,

(Signed) GEO. WM. BROWN, Mayor."

The last letter of this correspondence is dated the 11th of September; and about one o'clock on the morning of the 13th, Mr. Brown was arrested at his country residence, by a detachment of police and a file of soldiers, and taken as a prisoner to Fort McHenry. He was thence removed to Fortress Monroe, thence to Fort Lafayette, and finally to Fort Warren.

The arresting officer professed to act by authority of the United States, but exhibited no warrant, and said he had none.

The reason of the arrest has never been assigned, but it was undoubtedly because the Government of the United States was determined that the control of the city of Baltimore should pass into the hands of those who were devoted to the war-policy of the National Government.

Soon afterward, the City Council were, by General Wool, then in command in Baltimore, compelled to resign, and a new City Council was chosen, by an election held in such a way as to secure the result designed by the Government.

Various offers were made to Mr. Brown, on the part of the Government, to release him from imprisonment, provided he would take an oath of allegiance and resign his office, or give his parole not to return to Baltimore, but he refused to accept any such conditions.

The following correspondence, which occurred while he was in Boston, on parole, for the purpose of attending to some private business, shows the position which he maintained:

"BOSTON, January 4, 1862.

"MARSHAL KEYS, Boston:

"*Sir:* I called twice to see you during this week, and in your absence had an understanding with your deputy that I was to surrender myself to you this morning, on the expiration of my parole, in time to be conveyed to Fort Warren, and I have accordingly done so.

"As you have not received any instructions from Washington in regard to the course to be pursued with me, I shall consider myself in your custody until you have had ample time to write to Washington, and obtain a reply.

"I desire it, however, to be expressly understood, that no further extension of my parole is asked for, or would be accepted at this time.

"It is my right and my wish to return to Baltimore, to resume the performance of my official and private duties.

Respectfully,

(Signed) GEO. WM. BROWN."

"DEPARTMENT OF STATE,
Washington, January 6, 1862.

"JOHN S. KEYS, Esq., U. S. Marshal, Boston:

"*Sir:* Your letter of the 4th instant, relative to George W. Brown, has been received.

"In reply, I have to inform you that, if he desires it, you may extend his parole to the period of thirty days. If not, you will please recommit him to Fort Warren, and report to this Department.

"I am, sir, very respectfully, your obedient servant,

(Signed) F. W. SEWARD,
Acting Secretary of State."

"BOSTON, January 10, 1862.

"MARSHAL KEYS, Boston:

"*Sir:* In my note to you of the 4th instant, I stated that I did not desire a renewal of my parole, but that it was my right and wish to return to Baltimore, to resume the performance of my private and official duties.

"My note was, in substance, as you informed me, forwarded to Hon. W. H. Seward, Secretary of State, in a letter from you to him.

"In reply to your communication, F. W. Seward, Acting Secretary of State, wrote to you, under date of the 6th inst., that 'you may extend the parole of George W. Brown, if he desires it, but if not, you are directed to recommit him to Fort Warren.'

"It was hardly necessary to give me the option of an extension of parole which I had previously declined, but the offer renders it proper for me to say, that the parole was applied for by my friends, to enable me to attend to important private business, affecting the interests of others as well as myself — that the necessities growing out of this particular matter of business no longer exist, and that I cannot, consistently with my ideas of propriety, by accepting a renewal of the parole, place myself in the position of seeming to acquiesce in a prolonged and illegal banishment from my home and duties.

Respectfully,

(Signed) GEO. WM. BROWN."

On the 11th of January, Mr. Brown returned to Fort Warren, and on the 14th an offer was made to him by the Government, to renew and extend his parole to ninety days, upon condition that he would not pass south of the Hudson River. This was also declined by him.

On the 27th of November, 1862, after his term of office had expired, and another Mayor had been elected, Mr. Brown was unconditionally released.

For an account of his imprisonment, the reader is referred to the narrative of Frank Key Howard, Esq.

A. B. HEWITT, M.D.

DR. A. B. HEWITT, a practising physician of Chatham, Illinois, was one of the occupants of room No. 13 of the Old Capitol Prison, a name now familiar to Americans as occupying a place in history, corresponding to that of the Bastile in the capital of France, during the French Revolution.

His lameness was so great that it excited the pity of his fellow-prisoners, and should have prevented his arrest, without the proof of the crime with which he was charged was unquestionable. Nevertheless, early in August, 1862, he was kidnapped at his home, in Illinois, and conveyed to Washington City, where he was imprisoned until the month of November, and then released without a trial, and without a charge of any kind having been preferred against him.

On his arrival at the prison, in consequence of the Bastile proper being filled from yard to attic, he was placed temporarily in the hospital. On the 26th of August, he and the "Wandering Jew" were transferred to room No. 13, where they remained until the close of September. No. 13 being needed about that time for the accommodation of some Federal officers accused of serious offences, the occupants were transferred to No. 16, which afterward became famous as the abode of nearly all the prisoners of state confined in the "Old Capitol."

Dr. Hewitt whiled away the time of his captivity in making finger-rings out of peach-stones, until the supply was exhausted; and then his mind, being unemployed, and allowed to dwell upon the wrongs and cruelties to which he was subjected, became affected almost to frenzy.

The prisoners, with scarcely an exception, were haggard

in appearance, and restless in their movements as caged wild beasts, and, in a word, exhibited in their persons pictures of such a cruel despotism as would have moved to madness, had they seen them, the American people, and incited them to emulate the illustrious example of the Parisians to tear open the Bastile and avenge the wrongs perpetrated upon its inmates.

But care was taken that they should neither be seen nor heard; and their correspondence being subjected to the strictest surveillance of the tyrants and their underlings, the people could learn nothing of the treatment measured out to them by the hand of despotic power.

WILLIAM H. WINDER.

MR. WILLIAM H. WINDER, the subject of this narrative, is descended from a Maryland family of that name, which settled some two hundred years ago, in Somerset County, on the Eastern shore of that State. His father, the late General Wm. H. Winder, who died in 1824, removed about the year 1801 to Baltimore, at which place he was contemporary with Pinckney, Luther Martin, Robert Goodloe Harper, Roger B. Taney, and others, with whom he was on intimate terms of friendship. The General was in high standing in the society of both Washington and Baltimore, and wielded considerable influence as a Senator in the Legislature of his State.

His son, Wm. H. Winder, was born in Baltimore, but anterior to 1832, removed to Philadelphia, where he resided at the date of his arrest. He was for some years in the mercantile business, but in 1839 became a contractor and builder, and as such erected the Government building, corner of F and 17th Streets, Washington. The National Theatre, fronting Pennsylvania Avenue, near Willard's Hotel, but subsequently burned, was also erected by Mr. Winder. In the construction of the former of these buildings, he used iron girders to make fire-proof floors, being the first that had ever been used.

Mr. Winder was a frequent contributor to the newspapers; and there are few men who have furnished more matter gratuitously than this gentleman. Early in the late struggle between the North and South, he wrote a number of articles, to prove that the North *must* adhere to the Constitution, as the ark of its safety; and at different periods, furnished some elaborate articles to the press; and to private individuals,

deprecating civil war, and deploring its consequences, avowing his belief that the Union was founded on fraternal love and fellowship; that it could never be cemented by blood, or upheld by the bayonet; and that war would not only spill the best blood of the nation — burden it with thousands of millions of indebtedness — alienate the affections of the people, and arouse their worst passions — but would demoralize society to such an extent, that years of peace would not restore it to its former condition.

We now proceed to lay before the public some of his correspondence, which, it is supposed, led to his arrest and incarceration. We regret that our space prevents us from giving the letters in full. On the 30th of August, 1861, Mr. Winder, from Philadelphia, addressed a letter to General Simon Cameron, then Secretary of War, indorsing an application for a second lieutenancy in the regular army for Henry Hay, of that city. Mr. Hay's former application, signed by Commodore Stewart and several other prominent citizens, had failed to obtain the appointment or elicit a reply; hence the indorsement of Mr. Winder. In the latter part of his letter, he expressed, at some length, his views on the political situation of affairs, deploring the rashness of the men who were urging the two sections of the country on to a monstrous, wanton, and suicidal civil war, declaring his conviction that a Union was impracticable, unless founded in peace and fraternal fellowship, and closed his letter by expressing to the General his high personal regard. General C., in his reply, regrets his inability to appoint Mr. Hay to the desired position, as the vacancies were all filled, and closed by saying: "We have never agreed very well in politics, but I have never doubted that you had at heart the best interests of your country."

Emboldened by this frank declaration of General Cameron, and considering that his personal relations with Governor Seward had always been friendly, and presuming that a letter from him might be received in an equal spirit of candor, Mr. Winder, on the 10th of September, 1861, addressed him the

letter which, he supposes, exercised a potent influence ir keeping him in confinement. This letter was but a reiteration of the sentiments contained in the letter to General Cameron, expressed at more length, and citing more authorities to substantiate his position. But the gall of it consisted in an attack upon Abolitionism and its pernicious doctrines, and a sharp denunciation of the infamous "Helper Book," which, it will be remembered, had received the indorsement and encomiums of the Secretary. Immediately, as he supposes, on the perusal of this letter, and with all the imperiousness of manner and amiability of purpose of Richard, he pronounced the doom, "Off with his head!" in his laconic despatch to Marshal Millward, ordering his arrest.

On the evening of the 10th of September, between seven and eight o'clock, he was arrested by Detective Franklin, *put in a station-house cell*, and confined there all night. Franklin showed him a warrant, issued by the Mayor of Philadelphia, induced by a despatch from General Andrew Porter, Provost Marshal of Washington, directing it. When brought before Mayor Henry, in the morning, that gentleman told Mr. Winder, in the presence of Detective Franklin, that he had given express orders not to arrest him that day, unless he could do it before half-past two o'clock, in order that the prisoner might have time to obtain bail. But Franklin chose, *purposely*, to disregard this peremptory order. He knew where to find Mr. W., who was at his office or hotel during the entire day, but his principal object was to prevent his presence during the ransacking of his office, from which, besides papers relating to political matters, he took books and pictures; also letters having no shadow of relation to politics, but referring to the sacred secrets of other parties; and many additional things were taken wholly unjustifiably even supposing the right of search to have existed.

Arrested in the armory of the company to which he was attached, he was taken to his chamber, and there searched by Detective Franklin, and his papers, keys, etc., taken from him, except his office-key, which he held in his hand. Trunks,

closets, drawers, etc., were searched; every scrap of paper taken, although none of them were of a political nature, as he saw by reading. After imprisoning him in the station-house, he proceeded to Mr. Winder's office, broke open the door or picked the lock, and made an examination of his papers there. On the following morning, his clerk found a piece of candle and other evidence of a nocturnal visit. He also found an officer there, who proceeded with the examination of his papers. On leaving the office, Detective Franklin told this gentleman, that he had better not come to the office again, during the time he held possession of it. They held possession of the office for two weeks, during which time the work of pillage went on, ransacking safe, chests, drawers, cases, etc., and a collection of papers of some thirty years, violating the sanctity of private correspondence during all that time, under the pretence of hunting treasonable matter during the few months preceding. Access to his private papers was allowed to reporters of the press for the purpose of publication, and false, garbled, and malicious slanders were published as the alleged contents of such letters. At the end of two weeks, his clerk was permitted to take possession of his office, they, as Mr. Winder supposes, holding keys for access at pleasure. They carried off letter-books, letters to him, copies of his letters, a scrap-book containing extracts from newspaper articles that he had written for the press. They stole copies of his letters to Cameron and Seward, and General Cameron's letter to him. They purloined his Army Dictionary and Navy Register, his genealogical tree, pictures, and autograph letters. From such a large collection of papers as he had, it was impossible to determine with certainty the full amount of the robbery.

On the morning of the 11th of September, he was taken to the Mayor's office, when the Mayor told him, that on signing a bond for two hundred dollars in his own recognizance to appear in October, he would discharge him. Mr. Winder signed the bond, supposing there was an end of the matter, when to his surprise, the Mayor said to him that, in compli-

ance with the request of the United States District Attorney, he would hand him over into the custody of the United States Marshal, whose deputy was there to take him in charge. That official immediately stepped up and took him in charge, remarking as he did so, that he was to have a hearing before the Commissioner that afternoon, at four o'clock. In the mean time he was confined in Moyamensing Prison.

At four o'clock, he appeared at the Commissioner's office with his counsel, George W. Biddle, Esq., for whom he had sent. At the opening, the District Attorney Coffey stated that he had been unable to procure the expected evidence, but that reports of Mr. Winder's conversation had reached his ears, and he wished the hearing postponed until the 13th inst., at 4 o'clock P. M., to give him time to hunt up evidence. Notwithstanding this confession of the destitution of evidence to justify his arrest, and that flimsy pretext of hoping to hunt up reports of conversations, the Commissioner, instead of discharging the prisoner, granted the delay, and recommitted him to Moyamensing.

On the afternoon of the 13th, at the hour appointed, Mr. Winder and his counsel were at the office of the Commissioner. District Attorney Coffey kept them waiting an hour before he made his appearance. This delay was doubtless designed to allow him no time to take out a writ of *habeas corpus* before he could be hurried off to New York, as had been determined on. On coming in, Mr. Coffey stated to the Commissioner, that the paper which he held in his hand would render further action before him unnecessary, and desired his discharge by the Commissioner, in order, that the directions in the paper might be carried into effect. This paper *purported* to be a despatch from Simon Cameron, Secretary of War, worded as follows:

"WASHINGTON, September 11, 1861

"GEORGE A. COFFEY, U. S. District Attorney:

"Have telegraphed Marshal Millward to arrest Wm. H. Winder, and transfer him to Fort Lafayette.

(Signed) SIMON CAMERON,
Secretary of War."

Instantly on his discharge by the Commissioner, the Marshal took him into custody, telling him that he must go to New York. Mr. Winder was immediately placed in a carriage in waiting, and driven to his rooms for his clothing, trunks, etc., then conveyed to Market Street wharf, where they crossed the river, walked down to the Camden and Amboy depot, and took seats in the train for New York. While in the carriage, the Marshal, in order, as he said, to show his consideration for him, pulled from his pocket the following despatch:

"WASHINGTON, September 11, 1861.
"Send Wm. H. Winder to Fort Lafayette.
(Signed) WM. H. SEWARD."

The Marshal said that this despatch had been in his possession several days, then the 13th inst., but had not been used. Mr. Seward was probably unaware of his victim's arrest, the night previous, when he dictated his first despatch; but on the 12th, when he learned of it, he again telegraphed to the Marshal:

"Send Wm. H. Winder to Fort Lafayette, New York, and deliver him into the custody of Colonel Martin Burke. *Send the papers and evidence here.* He is reported to have been arrested by Detective Franklin. W. H. SEWARD,
Secretary of State."

At the cars, Marshal Millward confided him to the charge of two deputies, who accompanied him to New York, where they engaged a hack and drove him to Fort Hamilton, and with him they delivered to Colonel Burke the letter consigning him to a military Bastile. The Colonel immediately sent him under guard to Fort Lafayette. The abominable treatment of the prisoners at this place, is fully detailed elsewhere.

Mr. Winder remained incarcerated in Fort Lafayette until the 29th of October, when he, together with a number of others, was placed on board the steamer "State of Maine,'

for Fort Warren, Boston Harbor. On the 1st of November, 1861, he entered the Fort, where no preparation had been made for the reception of such a number of prisoners as the steamer contained. The rooms had not even a chair or bench, and for eight days they had nothing but the bare floor to lie upon, over which they spread their overcoats, having neither bed nor blanket. Some few perfectly raw hams were cut up on a barrel-head, in the open air, and distributed, and thus some of the prisoners obtained something to eat. The Commandant, Dimick, manifested throughout a disposition to grant every indulgence consistent with his instructions, and his whole course was in marked and favorable contrast with that of the fellows at Fort Lafayette.

On the 5th of December, 1861, Mr. Winder addressed a letter to Secretary Seward, but which elicited no response from that official. In this letter he stated his long imprisonment of thirteen weeks, his inability to find the charges against him, and his unconsciousness of any wrong done by him, or any disloyal act toward the Government, requesting a parole, that he might go to Washington to have his case investigated. This application was made in pursuance of a letter from Secretary Seward, which was read to the prisoners of the Fort, making a request to them to send a statement of their cases to him.

On the 14th of January, 1862, he was offered his release on condition of "taking the oath of allegiance." This he emphatically declined to do, giving the same reasons for his refusal as the other prisoners. Senator Pearce, of Maryland, to whom, among others, he had written to learn of what his imputed offence consisted, replied, January 21, 1862, saying "your frequent correspondence and bold conversations have made you obnoxious. I fear there is no influence, certainly I have none, to avail for your purpose." Again, on the 2d of February, he said, "With Mr. Seward I can do nothing. I saw him yesterday, and he is as rigid as cast iron." On the 16th of February he was again offered his release, if he would take what was denominated "a modified oath;" and on the

22d of the same month, the "*Amnesty*" and "*Parole*" were tendered him as a condition of release. These he also refused, stating his reasons at some length in a letter to the Secretary of War.

On the 15th of March, Mr. Winder opened a correspondence with General Cameron, to ascertain the charges against him, and what had induced him to consign him to Fort Lafayette. This letter produced the following reply:

"LOCHIEL, 24th March, 1862.

"WM. H. WINDER, Esq.:

"*Sir:* You surprise me by saying, in your letter of the 15th inst., received to-day, that it was by my order that you were taken from Philadelphia to Fort Lafayette and placed in confinement, etc. I knew nothing of your arrest until I saw the fact stated in the newspapers; and being at the time closely engaged in the discharge of my official duties, neglected to inquire into the cause; presuming, however, that it was done by order of the State Department, which has charge of such cases as I presumed yours to be. Respectfully,

(Signed) SIMON CAMERON."

"FORT WARREN, March 31, 1862.

"Hon. SIMON CAMERON, Lochiel, near Harrisburg:

"*Sir:* I have to thank you for your prompt reply to my request for information as to the causes which induced you to issue an order for my transfer to Fort Lafayette. Your reply of the 24th, stating your surprise at learning I had been sent there by your order, and that you knew nothing of my arrest until you saw it in the papers, and presumed it had been done by order of the State Department, confirms me in my supposition, that your name had been used either without your knowledge, or inadvertently signed to a paper without heeding its contents. It was obtained somehow through the District Attorney. I give you a copy of the document upon which Colonel Burke took charge of me and placed me in Fort Lafayette:

"'PHILADELPHIA, September 13, 1861

"'Lieut.-Col. MARTIN BURKE, Commanding Fort Hamilton:

"'*Dear Sir:* Permit me to introduce to you my Deputy, Mr.

Sharkey, who carries with him Mr. Winder, to be delivered to your custody per order of Secretary of War.

Your obedient servant,

(Signed) WM. MILLWARD, U. S. Marshal.'

"I am respectfully yours,

(Signed) WM. H. WINDER."

"FORT WARREN, 31st March, 1862.

"Hon. SIMON CAMERON, Lochiel, near Harrisburg:

"*Sir:* Since writing to you to-day, I have received the following copy of a despatch from Philadelphia.

"'65. WASHINGTON, 11th September, 1861.

"'GEO. A. COFFEY, U. S. District Attorney:

"'Have telegraphed Marshal Millward to arrest Wm. H. Winder, and transfer him to Fort Lafayette.

(Signed) SIMON CAMERON, Secretary of War.'

"I have supposed this may recall to your mind the communication of Mr. Coffey, to which apparently it is a reply.

"I am, respectfully, your obedient servant,

(Signed) WM. H. WINDER."

"LOCHIEL, 2d April, 1862.

"W. H. WINDER, Esq.:

"*Sir:* I have enclosed your letter of the 31st, received to-day, to the Secretary of State, and disavowed all knowledge of your arrest, with request for your release, if you have been held by my direction. Very respectfully,

(Signed) SIMON CAMERON."

"FORT WARREN, 5th April, 1862

"Hon. SIMON CAMERON, Lochiel, near Harrisburg:

"*Sir:* I have been much gratified by the receipt of your letter of 2d April, in which you advise me of your having sent my (first) letter of 31st March, to the Secretary of State, with request for my release, if I have been held by your direction.

"This is satisfactory, and is all the action the case requires at your hands, unless, indeed, a disregard of your request should render it proper for your own vindication against an act which you repudiate, but the responsibility for which is placed on your name by the record. Your obedient servant,

(Signed) W. H WINDER."

On the 6th of May, he was summoned into the presence of the Commissioners Dix and Pierpont. General Dix sought by argument to remove his objections to giving his parole, contending, that doing so could not be construed into a taint upon his conduct. Mr. Winder gave his reasons on the other side, that if no taint was intended, and it was, as he said, their object to hold him guiltless, an unconditional discharge would leave no doubt of an entire acquittal, while to hold him there, admittedly guiltless of wrong, except on condition of parole, was without excuse. General Dix specified as exceptional items his correspondence with Senators Davis and Toombs, and Messrs. Breckinridge, Burnett, Vallandigham, and Hallock of the "Journal of Commerce." Mr. Winder took issue with him upon them, in the manner stated in a letter of the 9th of May, to these gentlemen. The Secretary, Webster, said he had received treasonable letters from C. H. Winder, of Washington; but on Mr. Winder objecting to the word "treasonable," General Dix directed the Secretary to strike out the word from his notes. General Dix said he (W.) knew that the war to which he was opposed, was forced on the Federal Government by an impending attack on the Federal Capital.

Mr. Winder denied *in toto* the fact or purpose of an impending capture of Washington. He stated that the Confederacy had not a soldier within five hundred miles of the City of Washington; that not a single soldier had been set in motion to proceed there; that the States of North Carolina and Virginia interposed their whole breadth between Washington City and the Confederacy; that the first had refused to call a convention, even to consider the question of secession, and that two-thirds of the convention of the latter were opposed to secession; that in fact there did not exist a scintilla of evidence that the Confederacy entertained the purpose, much less had forces in imminent proximity hastening to the capture. To all of this General Dix had nothing to urge but that *he believed* that in Virginia, Mason and others were raising troops for that purpose. He acquitted Hunter, as being a mere "*doctrinaire*," as he called him, from any active

participation. Mr. Winder stated, in regard to the relative position of the State and Federal Governments, that the resolutions of 1798–9 embodied his opinion. The Secretary (Webster) greedily snatched at this statement, as though he had pinned him with conclusive evidence of treason; and he noticed, a few days afterward, in a Republican paper in Boston, a bitter article, denouncing these resolutions as the cockatrice egg from which the monster secession was hatched.

Mr. Winder addressed Messrs. Dix and Pierpont a long letter, in which he refutes the card of those gentlemen, published in New York papers of November. The subjoined copy of the card is taken from the "New York Herald," of 19th November, 1862:

"NOVEMBER 12, 1862.

"DEAR SIR: In answer to your inquiry as to the facts of the case of Wm. H. Winder, a prisoner of state in Fort Warren, we reply, that on investigation it appears that Winder was arrested by order of the late Secretary of War; that a large number of letters and papers were seized, tending to show disloyalty to the Government, and a purpose to aid the rebellion. But after a careful investigation of all the papers, and after a personal examination of Mr. Winder, we determined to release him on his giving his parole not to take up arms against the United States, or to give aid to the enemy, which he refused, and as we are advised, there has been no day since when he might not have freely left the Fort upon that simple parole.

Very respectfully yours,

(Signed) JOHN A. DIX, Major-General,
EDWARDS PIERPONT."

In August, 1862, he addressed the following letter to Mr. Stanton, of which no notice was ever taken:

"FORT WARREN, 20th August, 1862.

"To Hon. E. M. STANTON, Secretary of War, Washington:

"*Sir:* More than eleven months have elapsed since my arrest and the seizure of all my papers. During the last six months of this confinement, my clerk has been sick and absent from the city so that I have not had a word from him, and my affairs,

already most damagingly embarrassed, are threatened with a more complete ruin.

"At the present moment, my personal attention is vitally important to the carrying into effect some proposed arrangements in relation to my affairs, and for this purpose I desire a leave of absence from this Fort for thirty days. In order to obviate any hesitation which might arise, I will state my readiness to give parole not to engage in political or military discussions, also to report myself to the commanding officer of this Fort within thirty days from the date of my leaving it. As numerous parties confined with me have had this leave, after only a few months' imprisonment, I trust it is no misplaced reliance by me to anticipate a like consideration.

"I am, sir, your obedient servant,

(Signed) W. H. WINDER, of Philadelphia."

On the 26th of October, 1862, Messrs. George W. Biddle, Wm. B. Reed, and Peter McCall, of Philadelphia, arrived in Boston, to sue out a writ of *habeas corpus*. Mr. Biddle telegraphed to the Secretary of War for permission to see the prisoner, but received a peremptory refusal. Thus it will be seen he was refused access to counsel, while other prisoners were allowed visitors, and in some instances, daily.

On the 28th of October, his counsel applied for a writ of *habeas corpus*, the issue of which had been delayed to enable the District Attorney to receive instructions from Washington. If the Administration had relied on Horace Binney's argument and authority to suspend the *habeas corpus*, the District Attorney would have received instructions to oppose the issue or plead this right. If not sure on that point, and it had any evidence of guilt, legal or moral, on his part, which would secure public condemnation and palliate the outrage on the Constitution and law by a too eager, but manifestly patriotic impulse, it would have adduced it. But discarding Mr. Binney's argument as unsound, and destitute of the other, it aggravated its wickedness by imposing upon the commander of Fort Warren the ignominy of sneaking from the just action of the law, and with the military resist-

ing the rightful action of the Court. The following return to the writ of *habeas corpus* issued by Justice Clifford, will explain the state of affairs, and the remarks of William B. Reed, Esq., and Judge Clifford will complete a picture, which will ever cause posterity a blush of shame over the frailties of the present generation.

At the opening of the United States Circuit Court, October 29, 1862, at ten o'clock, Mr. Wm. B. Reed read the following affidavit of B. F. Bayley:

"I, Benjamin F. Bayley, being duly sworn, do depose and say that I am one of the deputies of the Sheriff of the County of Suffolk, in the Commonwealth of Massachusetts. That on Tuesday, the 28th day of October, A. D. 1862, there was placed in my hands for service a writ of *habeas corpus*, a copy of which is hereto annexed, directed to Colonel Justin Dimick, Commandant of Fort Warren, or to any officer under him having charge of William H. Winder, commanding him to bring the body of said Winder, then confined in said Fort Warren, to be dealt with as to law and justice should appertain. That upon receiving said writ, I immediately proceeded to Commercial Wharf, in the port of Boston, where the steamboat plying between the said port and said Fort Warren was lying, and stated to the captain in charge of said boat, that I desired to proceed therein to Fort Warren as a messenger from the United States Court, with papers for said Colonel Justin Dimick. The said captain told me that his orders were positive not to allow any one to go in said boat without a pass from Colonel Dimick, said orders having been received on Friday last, the 24th inst. That being prevented from proceeding in said boat, I did, on the morning of Wednesday, the 29th day of October, 1862, receive from the counsel of said Winder, certain instructions in regard to the service of the said writ of the following tenor:

"You are intrusted with the service of a writ of *habeas corpus*, issued by order of Hon. Nathan Clifford, a Justice of the Supreme Court of the United States, to be served upon Colonel Justin Dimick, at Fort Warren.

"You will have with you the original writ, with an attested copy thereof.

"You will procure a proper conveyance to take you to Fort Warren, and land there, in order to serve the writ as directed.

"Upon landing, or meeting the sentry, or other person at the Fort whom you may first meet, you will respectfully inquire for Colonel Dimick, stating you have a paper to deliver to him from Judge Clifford, a Judge of the Supreme Court of the United States. Should you be allowed to see Colonel Dimick, you will respectfully deliver to him the original writ, saying, at the same time, 'This is a writ from Judge Clifford,' and at once return to Boston, when you will draw up a statement of the time and mode of service. Should the sentry or party with whom you first communicate refuse you permission to see Colonel Dimick, you will ask by what authority you are refused; if none is stated, and the refusal be persisted in, you will hand a copy of the writ to the sentry or other party, asking him to deliver it to Colonel Dimick, saying you will wait for an answer, and bring it, if received. If this be refused, you will return at once.

"Should you be refused permission to land, and the refusal be persisted in upon your stating that you have a paper for Colonel Dimick, you will at once return, and make a report of what you have done.

"Should Colonel Dimick be absent from the Fort, you will communicate, or endeavor to communicate, with the officer in command, in the manner herein above set forth.

"That upon receiving said instructions, I hired a sail-boat, in the port of Boston aforesaid, manned with two men, and was accompanied by John H. Clark, a reputable citizen of the County of Middlesex, in this Commonwealth, and proceeded therein to Fort Warren, to serve the said writ according to my instructions. That I arrived near to said Fort Warren at about three o'clock of the afternoon of said 29th day of October, when I perceived a body of about fifty armed men, drawn up in military array, near the place of landing. That, upon nearing the landing, I was hailed by a sentinel, and told by him to keep off. That I then told said sentinel that I had a communication to make to Colonel Dimick, and approached a little nearer to said landing. That the said force was marched down to the landing, when I was again peremptorily ordered, by a person in command of said force, to keep off, and was prevented from landing. That, finding it im-

possible to land, or approach nearer to the said Fort, I directed the boat, in which I was, to be put about, and returned to the port of Boston, where I arrived at about five o'clock of the afternoon of the same day, having been forcibly prevented from serving the said writ. That I verily believe, had I attempted to effect a landing at said Fort Warren, after having been warned away, as hereinbefore stated, I should have been prevented from so doing by a force of armed men drawn up at the landing; and that, to the best of my belief, it was impossible for me to land and serve the said writ. And that further I say not.

BENJ. F. BAYLEY.

"Sworn and subscribed this 30th day of October, A.D. 1862.

G. S. HILLARD, Justice of the Peace."

Mr. Reed then addressed the Court as follows:

"May it please your Honor: Having presented to the Court this affidavit, the counsel for the relator beg leave to say, that we came to this jurisdiction to solicit the process of the law, in order to release from a long, and, as we believe, unlawful imprisonment (for nearly fourteen months) a fellow-citizen of Pennsylvania. We deferred any action until the District Attorney should have full opportunity of communicating with the authorities at Washington. We came prepared and anxious to meet and discuss any grave questions of law which the officers of the Government might raise in opposition to this discharge. The Court granted the writ of relief which was asked for, but its execution has been evaded and resisted, so as to prevent the consideration and decision of these questions. In the case decided by the Chief Justice of the United States, that of Merriman, the military officer to whom the process was directed made a return, in form respectful, and this, too, at a time of local disturbance, and on the edge of actual war. But, here in Massachusetts, many hundred miles away from any scene of war, where perfect peace reigns, and every peaceful relation of life is maintained, and the Court is regularly transacting the ordinary and profitable business of the Government — here in Massachusetts, the writ which you

Honor granted is both evaded and resisted, and an imprisoned American citizen is denied the common right of knowing who are his accusers, and of what he is accused. Your Honor's writ is that of the United States; and that peaceful writ the military force of the Government prevents us from executing. At this moment, we can do no more. We submit the facts this affidavit discloses. We beg to express to your Honor our high sense of the kindness and consideration we have received at your hands in this effort to assert the supremacy of the law and the rights of the citizen."

Judge Clifford remarked, that nothing more could be done toward effecting a service of the writ. The service has been prevented by force. He deeply regretted that any officer should obstruct the service of process, especially a process of this kind. But he was beyond the control of the law, and the Court could not command the physical force necessary to compel its service. Let the writ be placed on file, to be served when service may be practicable.

It may perhaps not be inappropriate here to state, that this action of Messrs. Reed, Biddle, and McCall was spontaneous and unprompted, and of which Mr. Winder had no intimation until after their arrival at Boston. It was a generous and patriotic attempt to rescue the civil authorities from the military grasp, which had paralyzed it, and a noble endeavor to vindicate the supremacy of the Constitution and the laws. In Boston, they were met in a spirit of cordiality by some of the most distinguished members of the bar of that city — Judge Curtis, Sydney Bartlett, Esq., Samuel Dexter Brad ford, Esq., Hon. George S. Hillard, Mr. Tickner, and others, all of whom felt the deep humiliation of the country under the ignoble despotism of a perjured Administration. On the 31st of October, Mr. Winder addressed a letter to Hon. George S. Hillard, of Boston, who had been one of his counsel, thanking him for his services rendered, and making some comments on his case. The letter was returned to him as contraband, with the following indorsement:

"Respectfully returned, as being contrary to instructions of Colonel Dimick.

"By order of Colonel Dimick.

EDWARD R. PARRY,
1st Lieut. 14th Infantry, Post Adjutant."

On the return of the letter, he addressed Colonel Dimick the following:

"FORT WARREN, November 1, 1862.

"SIR: Yesterday you refused to let pass a note to my counsel in Boston, unless all of its contents should be expunged except the paragraph making acknowledgments of his professional services.

"I therefore deem it due to myself to call your attention to the following facts:

"1. That my confinement in Fort Lafayette was under an alleged order of the Secretary of War, Simon Cameron; and that there is on record no other authority for my confinement there and here.

"2. That you are perfectly aware that General Cameron denies all knowledge of my arrest, repudiating the act, because the whole of my correspondence with him on the subject passed through your hands, open, and under your perusal.

"3. You know perfectly well that an imprisonment here under order of a Department, without charge, warrant, or other form of law, would be a clear violation of the rights of a citizen under the Constitution and the laws, subjecting the violators to penalty.

"4. You know that the record does not show even the color of that authority.

"5. You know how stringently the law prohibits the opening of letters of other parties, even if lawfully in custody.

"6. You know full well the unquestionable right of all citizens to have counsel, and to confer with them alone and by sealed letters, even though legally in custody under charge of the most serious crime.

"7. You know I have sedulously sought to learn if there was any charge of crime against me, declaring my readiness to meet any such.

"8. You know that no charge of crime has been made against me.

"9. You know that, for the express purpose of forcing a lawful issue on the question of my incarceration here, a writ of *habeas corpus* was issued and addressed to you.

"10. You know that you diligently and designedly thwarted the process of the Court, preventing by threatened force its service upon you, evading your just responsibility to the law.

"11. You know full well, that in accordance with the Constitution and the laws, it was your bounden duty as a good citizen and officer to allow the service of the writ, and to obey its summons.

"If to your knowledge or in your opinion I have erred in any of the above, I beg your prompt correction, as it would cause me great regret to have misrepresented you in any manner; but on the contrary, I will rejoice at any explanation which may relieve you of what now seems to be your responsibility.

"If I have not erred, then the deduction from the foregoing would seem to be clear, that, knowing that I have been feloniously incarcerated, and that there is no warrant or lawful authority for my detention, you nevertheless continue to hold me in custody, an abettor.

"That with a full knowledge of the law in regard to opening letters, you aggravate its daily breach by refusing to allow us to receive or to send freely our letters.

"That, knowing as you do, the undoubted right of every citizen to appeal to the law for relief against illegal restraint, you have by force and design resisted and defeated the solemn efforts of the law, because you knew you held me in unlawful confinement, and excluded from personal interview as my counsel have been, you suppress a letter which is addressed to my counsel, and exclusively confined to such views of my case as I wish presented to him.

"I now protest against any interposition between me and my counsel by you, and indeed against your keeping me here, and I demand of you evidence of any authority whatever, real or pretended, except the physical force of your soldiers, for holding me a prisoner, for opening and reading all my letters to and fro, and for suppressing all that are distasteful.

"If you have the means to justify yourself, I shall certainly receive such an answer: if you can find none to justify you, I

would suggest that you would adopt such a course as will find its justification in the Constitution and the laws which you have sworn to support, on penalty of perdition if you prove false to them. Respectfully yours,

(Signed) W. H. WINDER.

"Col. JUSTIN DIMICK."

A letter to the Hon. James Brooks, member of Congress from New York City, was at first suppressed, and afterward, on his importunity, sent by the Colonel to the Adjutant-General's Office, Washington, from which Mr. Brooks never received it.

In a few days afterward, every prisoner was unconditionally discharged, without even the stain of a charge! They gladly left Fort Warren, and would, if they could, have left behind the recollection of the indignities endured within its walls. The state and war prisoners were mixed up promiscuously. Mr. Winder had war prisoners in the room with him, who were more favored, for they had the liberty of the whole island, while the state prisoners were restricted to the square within the walls of the Fort, until after the visit of Messrs. Dix and Pierpont.

Immediately after his release, he proceeded to Washington to obtain his papers from Mr. Seward. The following correspondence will give the history of the matter.

"Hon. WM. H. SEWARD, Secretary of State:

"*Sir:* At the request of Wm. H. Winder, Esq., one of my constituents, I would ask the return to him of his books, letter-books, letters, papers, and a picture of John C. Calhoun, taken from Mr. Winder's office and domicil in Philadelphia, at the time of his arrest in that city, in September, 1861. These effects are now in the custody of Mr. Webster, of your Department, as Mr. Winder is informed.

"An early reply will oblige him, and,

Very respectfully, your obedient servant,

(Signed) CHAS. J. BIDDLE

"House of Representatives, December 9, 1862."

"DEPARTMENT OF STATE,
"Washington, December 10, 1862.

"The HON. CHARLES J. BIDDLE, House of Representatives:

"*Sir:* Your letter of the 9th instant has been received, and referred to the War Department.

"Very respectfully, your obedient servant,

(Signed) F. W. SEWARD,
Assistant Secretary."

"SIR: I learned from the Mayor of Philadelphia, that my books, letters, papers, etc., had been sent to you by your order, (copy of which he showed to me,) by Detective Franklin, who took receipt for them. I learned this from several parties who had interviews with you, and that they were under special charge of Mr. Webster, of your Department, who acted as secretary to Messrs. Dix and Pierpont. Under this state of affairs, I feel I have a right to claim of you their return; for wherever they may be, they are attainable by you.

"I do, therefore, now demand of you the immediate return of all my books, papers, and letters, and whatever else of mine which may have been sent to you. I look to you personally for their return, and trust that, recognizing the propriety of my demand, you will take the necessary steps to put me promptly in possession of them.

"I am, sir, your obedient servant,

(Signed) W. H. WINDER.

"Hon. WM. H. SEWARD, Washington, 22d December, 1862."

To this letter, Mr. Seward made the following reply:

"Mr. Seward presents his compliments to Mr. Winder, and has to inform him that his note of this date has been referred to the proper officer, Major L. C. Turner, Associate Judge Advocate of the Army.

"Department of State, 22d December, 1862.

Mr. Winder replied to the Secretary in a long letter, acknowledging his courteousness — stating the violation of his papers at the time of arrest — his fruitless endeavors for three weeks to recover them, and the means which he had taken to obtain them, and the evasion and procrastination

that had been practised on him, and urging the immediate return of them. Mr. Winder again addressed the Secretary on the 27th instant:

"WASHINGTON, 27th December, 1862.

"SIR: I beg leave to recall your attention to my note to you of 23d instant. While I fully appreciate the engrossing nature of your official duties, in excluding other matters from your attention, I am sure you will make equal allowance to my urgency to be freed from a very inconvenient expenditure of time in seeking to obtain my property, which I had a right to expect to receive immediately on demand.

"I am, sir, your obedient servant,

(Signed) W. H. WINDER."

On receiving the evasive reply to Mr. Biddle, Mr. W. wrote to the Mayor of Philadelphia, for a copy of the receipt which Detective Franklin stated, he had received on the surrender to the State Department of the papers. He replied: "I directed Chief Franklin to furnish a copy of the receipt given to him for the papers delivered to the Government, and this morning, after search among the documents in his office, he reports to me that he is unable to find it, but as soon as discovered you shall be informed of its purport."

On the 3d of January, the Mayor, in reply to Mr. Winder's letter, asking the name of the party signing the receipt and its tenor, enclosed Mr. Franklin's report. The report says:

"Some weeks since, I was requested by your Honor to furnish the receipt given me for certain papers belonging to Mr. Winder, of this city, seized at the time of his arrest by order of the Government. I have carefully examined my papers, but have been unable to find it, and have no doubt it has been destroyed with other surplus matter. I think, however, there can be no difficulty in finding all the documents referred to, as I understood from Mr. Geo. Coffey, United States District Attorney, *yesterday*, that he was in possession of all of them; and I have no doubt, Mr. Winder may get all the information desired by communicating with him

(Signed) BENJAMIN FRANKLIN,
Chief Detective, Department Police"

It occurred to Mr. Winder, when reading this, that his correspondence with Secretary Seward had induced him to send on the papers to Philadelphia, to keep up the idea, that *he* had not possession of them. Upon his return to Philadelphia, he called on Mr. Coffey, and showed him the report of Franklin. He said he was in correspondence with the State Department, and the disposition of them would depend upon the result of it. Winder understood him to say, that under direction of the Department, he was examining to see if a prosecution could not be made, and that any further communication on the subject must be made through counsel. After some time, his counsel, Mr. Biddle, wrote to Mr. Coffey, requesting the return of Mr. W.'s effects, to which Mr. Coffey verbally replied, by stating, that he would write to the State Department, and if no order to the contrary should be received, he would return them. Accordingly, after a week's delay, he surrendered a box, on the top of which was —

"From the Department of State, U. S. A.
Geo. A. Coffey, Esq., U. S. District Attorney,
Philadelphia, Penna."

— *showing it came from the State Department — was in possession of Secretary Seward, while he was referring Mr. Biddle and Mr. Winder to the War Department.* This box contained all of the effects which have as yet been returned.

C. F. RUST.

THIS case presents an instance in which the malice and vindictiveness of the "one-man power" banished an unoffending citizen from his home, and drove him into the Confederacy, there to remain during the war, under penalty of death should he return.

About four o'clock, on the morning of Friday, the 8th of May, 1863, an individual named Isaac H. D. Knowles, an United States Detective, called at the house of Mr. C. F. Rust, near Seaford, Sussex County, Delaware, and arrested him. When asked for his authority, he replied, "By order of General Schenck," and when requested to produce it, presented a general order for the arrest of deserters, blockade-runners, and dangerous persons, which was signed by that officer. Mr. Rust replied, that he did not belong to either of the classes of persons named; but this explanation had no effect in his case, as his arrest had been predetermined.

Knowles made no specific charges, nor did he inform the prisoner why he had been arrested.

He was conveyed to Wilmington, and thence to Baltimore, where he was confined in a cell at the Central Police Station, and detained there until sunrise, with the drunkards, thieves, and prostitutes that find their way thither during the night.

He was removed from there to the Gilmore House, and placed in a front basement, formerly used as a billiard saloon, without either chair or bed. While confined there, he addressed a note to Thomas F. Bayard, Esq., an attorney at law, of Wilmington, (son of the Hon. James A. Bayard,) who was then sojourning in Baltimore, requesting him to call upon him at the Gilmore House, as he wished to obtain his advice. Mr. Bayard called, but was refused an audience with the prisoner.

Removed from his confinement at the Gilmore House, he was placed on the cars and carried to Harper's Ferry, leaving Baltimore at half-past eight o'clock on Saturday night, and arriving at the Ferry before daybreak on Sunday morning. He was then placed in a church, under guard, until Monday, when he was taken to Martinsburg, West Virginia, and incarcerated in the county jail at that place, with several other prisoners. The nights being chilly, and having an insufficiency of clothing, he suffered much from cold, until kindly furnished with a blanket by a deserter from an Ohio regiment.

While confined in the jail, Mrs. Young, the wife of the postmaster at that place, requested permission to furnish him with some food, which was denied.

On Monday morning, he was placed in a Government wagon, without seats, sent over a rough pike to Winchester, and there taken before a Provost Marshal, named Alexander, of whom he inquired the cause of his arrest, and was informed that it was "disloyalty to the flag." Rust asked how he knew that he was disloyal, when he had received no trial, and no proof had been adduced to substantiate the charge. Alexander replied, that the fact of his being arrested and exiled from his home, was proof conclusive. He then asked the Marshal if he thought the arresting of a man without a warrant, exiling him from his home, and forbidding him to return, during the continuance of the war, on pain of being treated as a spy, would make him love and respect a flag under which such flagitious outrages were committed.

The Marshal made no reply to Mr. Rust, but handed an order to a sergeant, directing him "to conduct him (Rust) to Dixie, never to return."

The sergeant conducted him to the turnpike gate, about one and a quarter miles from Winchester, on the road leading to Strasburg, the intervening space being considered neutral ground, as Winchester was then occupied by the Federal forces, and Fisher's Hill by the Confederates. At the gate, he was directed by the sergeant to make his way to

Richmond, or any other place in the Confederacy that might suit him, at the same time reiterating the Marshal's order. The order was promptly obeyed, Rust being glad to escape confinement even upon such terms. He was thus separated from his family for two years and four months, without any sufficient reason ever being assigned for it.

During his exile, his son, William C. Rust, a boy of sixteen, was confined in Fort Delaware for one hundred days, on suspicion of having assisted his uncle, William T. Cooper, (a son of Ex-Governor William B. Cooper,) to escape from prison, the said Cooper having been a Rebel soldier, captured at Romney, Virginia. Mrs. Rust was several times before military commissions, and annoyed in other ways during her husband's absence.

At the time of his arrest, Mr. Rust was forty-four years of age. By occupation he is a farmer. He has never held an office, although in the politics of his county he has always actively participated.

HON. ANDREW DUNCAN DUFF

HON. ANDREW DUNCAN DUFF, was born in the State of Illinois, in 1820, and has resided in Franklin County, in that State, since 1825. Of him it may be truly said, "he has been the architect of his own fortune," for, in the year 1836, he was left an orphan boy, destitute of means, and without education. In 1845, he was married to Miss Mary Eliza Powell. In 1847, he commenced the study of law in the office of Hon. W. A. Denning, then President Judge of the Third Judicial Circuit of Illinois; but shortly after, the Governor of the State having called for four regiments of volunteers, to be commissioned during the war with Mexico, young Duff enlisted as a private, and served with great distinction under Colonel E. W. B. Newly, until the close of the war.

After his return from Mexico, he resumed the study of the law in the office of Judge Denning, and was admitted to the bar in 1850. He soon attained a high standing and reputation at the bar, and after having filled many offices of honor and trust, both by election and appointment, with great satisfaction and credit, he was, in 1861, elected Judge of the Twenty-sixth Judicial Circuit of Illinois, then composed of Williamson, Franklin, and Saline Counties, for the term of six years. In the same year he was elected a member of the Constitutional Convention of Illinois, and took a prominent part as Chairman of the Committee on the Judiciary. In order to defeat the re-election of Judge Duff to the bench, the district was attempted to be changed. Franklin County was stricken from the district, and other counties added. But the Supreme Court set aside the proceedings as illegal and void, and Judge Duff, having received a renomination,

was again elected by a large majority, although the district had gone Republican the year before.

Judge Duff, after his re-election to the bench, established a law-school in Benton, Illinois, which is now in a flourishing condition. He is deservedly popular, is a good jurist, and an able speaker and writer. At the time of his arrest and imprisonment, his family consisted of a pious and Christian wife, a son eight years of age, and three daughters still younger. Judge Duff himself is in communion with the Church, and is in all respects a high-toned and Christian gentleman.

On Monday, August 11, 1862, Judge Duff commenced the August term of the Williamson County Circuit Court, at Marion, twenty miles south of Benton, the place of his residence. On Thursday evening, August 14, two United States Detectives, named Scott and Woodruff, arrived in Marion, from Cairo. Scott was an Englishman, and possessed some of the traits of a gentleman. Woodruff was in appearance the embodiment of villany. In the evening, after the adjournment of court, Scott, who was personally acquainted with Judge John H. Mulkey, of Cairo, privately communicated to him their business, which was to arrest him (Judge Mulkey,) Hon. Wm. J. Allen, then a member of Congress from the Ninth District; John A. Clemenson, State's Attorney for the Twenty-sixth Judicial Circuit; and Judge A. D. Duff, the President Judge of said Circuit, and several other prominent gentlemen of that section of the State.

The gentlemen, on learning the facts, and knowing the arbitrary power then existing, had an interview with Detective Scott, and informed him that he might consider them prisoners; that they would be ready at 12 o'clock M., the following day, to accompany him to Cairo. This proved satisfactory to him. At 10 o'clock A.M., on Friday, the 15th inst., Judge Duff adjourned the court, leaving a large amount of both criminal and civil business unfinished.

They reported at the hotel, according to the arrangement of the day previous, and soon after started for Cairo, in

charge of the two detectives; at which place they arrived about sundown the same evening.

The party were taken before Major J. W. Merrill, Provost Marshal, who required them to report to him the next day at 9 o'clock A.M. They were given the freedom of the city on parole, but were required to report in person once a day at the Marshal's office, until further orders. The most painful case among these arrests was that of Dr. Bundy, (whose case is elsewhere narrated,) the foreman of the grand jury, who was torn from the unfinished grave of his departed child, and not even allowed to pass his house to give a parting word of advice to his disconsolate wife and the heart-broken mother, in that afflicting hour of bereavement and death. The officer, who took them into custody, exhibited no writ or warrant for Judge Duff's arrest, nor, indeed, for any of the others, as no affidavit had then been made against any of the party.

The Judge was arrested, as Officer Scott said, on information contained in a letter from Frankfort, at which place, he, on the 21st of the preceding July, had made a speech. This accurate and truthful letter stated it was made on the 28th. This statement was made in the presence of the Hon. Wm. J. Allen, Judge Mulkey, and others. Judge Duff then inquired of the officer, what part of the speech was considered disloyal. In reply he said, "that he" (the Judge) "was charged with exposing frauds perpetrated on the Government, and that such exposition tended to discourage enlistments." Judge Duff said, that "he would plead guilty of that, if it was the charge, as he regarded it as the proudest day of his life, to be arrested for pleading for even-handed justice, and common honesty, in the use, management, and distribution of the people's money; and for publicly denouncing the thieves and villains who were robbing a tax-ridden people. Henceforth, he felt that his arrest had been determined on by the great sanhedrim or conclave of public plunderers at Springfield." On the way to Cairo, the officers informed him that they would have to go back to Franklin County, for proof against

him. These proofs were the *ex-parte* affidavits afterward produced.

On Monday morning, the officers left Cairo for the purpose of obtaining the evidence. They went to Frankfort and Benton, and there took the affidavits of four or five persons, who were the bitter partisan enemies of the Judge. The affidavits consisted of garbled and *ex-parte* statements of what the affiants had heard him say in different speeches, commencing in September, 1861, and running through the whole of his speeches, from that time, until the Frankfort speech, made but a few weeks previously. These affidavits contained nothing more than could be found in almost all the Democratic speeches of that period. As the officers were returning to Cairo, they found at Big Muddy Bridge, eighty miles distant, a vile wretch, named George Meyers, who was willing to swear to anything. This was the man so long looked for. Connovers, the future outgrowth of the war, were not so plenty then as at a subsequent period. He was conducted to Carbondale, seven miles distant, and there, with a Republican named Dudding for an amanuensis, the following affidavit was drawn up at night, and reported as sworn to before a Justice of the Peace of Perry County, Illinois.

"George Meyers, Sergeant of Captain Creed's company, stationed at Big Muddy Bridge, in Jackson County, Illinois, aged twenty-three years, being duly sworn, deposes and says:

"I am a member of the Knights of the Golden Circle, and have visited two meetings of that order in Williamson County. The first was on the night of the 10th of July, at the school-house, about six or seven miles from Marion, at which I was initiated by a person who was termed the 'Worthy Chief.' A man named William Andrews went with me; on which occasion, they took a book and read to me the laws, which were, as near as I can recollect: 'We are not to take up arms either for or against the United States, but we will bear true allegiance to those who may be members of the Golden Circle, and that we shall not take up arms against them, but be one, under a solid body.'' This I was sworn to under penalty of death. I was not to allow it to be

known that I belonged to the order, except to those whom I knew to be members. I was then shown the sign and passwords.

"The second meeting was held about three miles from Blairsville, in Williamson County. Judge Duff was there, and seven or eight other speakers. Judge D. addressed the members, and said that regiment No. — (giving a number which I do not recollect,) was to keep still for a few days, and they would have a great deal to do at home, as they would have to carry out what a third party had laid out to be done against Union men, as soon as the volunteers should have left. Several others addressed the meeting. From the conversation, I understood the members were expecting arms from Missouri. There were 300 persons present.

(Signed) GEORGE his ⋈ mark MEYERS."

This affidavit was an unmitigated falsehood from beginning to end. It contained no semblance of truth, as will be seen in the sequel. Furthermore, it was illegal. Judge Duff proposed to the Marshal to bring Meyers to Cairo, and to satisfy himself of the truth of the statement, by an examination, privately or otherwise. He wished to show, at the same time, that this falsifier could not tell a word about his antecedents, personal appearance, age, complexion, or height, and further, he offered to bear the expenses of the trip. This proposition the Marshal refused, in defiance of the explicitly worded sixth amendment to the Constitution of the United States, which says: "*In all criminal prosecutions, the accused shall enjoy the right to be confronted with the witnesses against him;*" and also of the ninth section of the Bill of Rights of the Constitution of the State of Illinois, which reads as follows: "*In all criminal prosecutions, the accused hath a right to be heard by himself or counsel, to demand the nature and cause of the accusation against him,* TO MEET THE WITNESSES FACE TO FACE." Our readers will here perceive, that the Constitution of the United States and that of the State of Illinois, were violated by this one act. The Judge then said:

"I have not been in Perry County since the 10th of June, when I made a speech at Tamaroa, nor have I been nearer Blairsville than Carbondale or De Soto, since 1857; nor did I ever make a speech in my life but what was a public speech, addressed to persons of all political opinions who would come and hear me; neither is there a truthful being on earth, who can say, that I ever joined, or ever belonged to the organization of K. G. C.'s, under that or any name whatever. I never joined them, nor did any man ever ask me to join them." During the conversation with the Marshal, one of the detectives (Woodruff) informed the latter, that he knew Meyers in the 2d Illinois Cavalry, that he was then known under another name, and was universally regarded as "*a liar, blackleg, and scoundrel.*"

While still confined at Cairo, the Marshal, Major Merrill, told Judge Duff, that he would have discharged him, but that Governor Yates had commanded him not to do so; that "he" (the Governor) "would be able in a few days to send him ten times more evidence, and of a much more positive character."

On the 26th of August, the "Daily Chicago Tribune" contained a copy of the Meyers affidavit, and what purported to be an additional one, which filled more than two columns of that paper. This was the Governor's mouse—the mighty production of his herculean mental labors, which astonished the eyes of an alarmed and startled world. The earth shook under it, to its deepest foundations! the heavens were gently bowed! the sun was clothed in darkness! the moon turned to blood! and all nations and tribes of the earth fell on their faces and did mourn; even his Excellency, the Governor—*blushed*. The following was "the ten times more evidence"—the St. John's Gospel, which was intended to corroborate the Meyers affidavit. It boldly stated that on Sunday, the 10th of August, 1862, he had attended a secret meeting of the Knights of the Golden Circle, at a place ten miles north of Pinckneyville, in Perry County; that there were at least 400 Knights of the Golden Circle present, and that Judge

A. D. Duff, Francis M. Youngblood, H. W. Newland, Joseph Crouch, and James S. Moore, of Franklin County; David Neal, David Williams, Ezra Johnson, Dr. Blanchard, James Blenhois, Thomas Logan, (the General's brother,) Benjamin Harris, Cartright Davis, and Philip Davis, of Jackson County; George W. Wall, D. M. Hoge, E. B. Rushing, Thomas Rushing, S. A. Baird, S. M. Pyle, Dr. Ross, O. H. McCarver, Bedford Thurman, W. A. Harris, Stephen Duncan, and many others, of Perry County, were present, and that *all* those mentioned made speeches on the occasion. It further pretended to give an abstract of what each one said, and, as a matter of course, the language used by each was *disloyal*.

Thomas Logan, in closing the meeting — as it averred — openly declared that, "as for himself, he was for Jeff Davis and the Southern Confederacy." The great length of this pronunciamento of the Governor prevents us from giving it *in toto*. But we quote *verbatim* one important paragraph. Speaking of the proceedings at the meeting, it says: "A LETTER WAS PRODUCED AND READ TO THE MEETING, DIRECTLY FROM JEFF DAVIS AND BEAUREGARD, TO EDELL JONES, STATING THAT IF THE K. G. C.'S OF ILLINOIS, COULD FURNISH TWO THOUSAND MEN FOR THE CONFEDERATE ARMY, THE CONFEDERATE STATES WOULD BE FULLY ABLE TO SUCCEED IN THEIR UNDERTAKING." This was an astounding revelation. At a time when the Federal Government was organizing an army of twelve hundred and fifty thousand men for the suppression of the rebellion, Jeff Davis and Beauregard *write to a poor, obscure orphan boy of Franklin County, Illinois, who could scarcely read or write his own name, informing him that if the K. G. C.'s could furnish them with two thousand men, their cause would be safe.* Could such an idea emanate from a

. . . . "brain
Healthful and undisturbed by factious fumes?"

When this document first appeared in the papers, the Judge and his friends called upon the Provost Marshal, and demanded the name of the party who swore to it, but were

informed that the Governor had directed it to be withheld. At Washington City, Judge Duff again demanded the name of the person from the Judge Advocate, and received the same reply: "The EXECUTIVE of the State of Illinois has requested the name to be withheld from the public." The Judge then came to the conclusion, that it had never been sworn to, but that it had been forged to assist in partisan measures, and that the document had been sent with a blank space, to Tamaroa, to be filled up with the names of all such persons as the Executive wished to oppress.

Court convened in Williamson County, on Monday, the 11th of August, 1862, at Marion, midway between Benton and Vienna. The Judge having left one of his children quite ill at home on the 3d, he determined upon adjourning court at Vienna on Saturday, to enable him to reach his home that night, if possible, so as to spend Sunday with his family, and be at Marion, Monday morning, in time for court. Accordingly, on Saturday morning, the 9th inst. at about 10 o'clock, he left Vienna in company with Judge Mulkey, both travelling in the same buggy, Judge Mulkey going to Marion, Judge Duff to Benton. About seven miles from Marion the buggy broke down. He then left Judge Mulkey at the house of a gentleman named Cash, from whom he borrowed a saddle, unharnessed his horse, and rode to Marion, which he reached at sundown. He then left *his* horse, borrowed a horse and buggy from Hon. William J. Allen, and started for his home, which he reached at midnight. Sunday was spent at his home, and about town, where he saw and talked with many of the citizens of the place. On the following day, (Monday,) he convened the court at Marion, and was proceeding with business when arrested. The affidavits of nineteen citizens, of both political parties, were filed with the Judge Advocate at Washington, proving the truth of the above statement, but it availed him nothing.

As we have already shown the falsehood of this document in the Judge's case, we shall digress a little, to give our

readers further proof of it in the case of others. The Rev. O. H. McCarver, one of the party mentioned, preached to a large congregation on the day mentioned, (to wit, the 10th,) some twelve miles from Pinckneyville, when the affidavit says, that he was one of the twenty-five persons who addressed the meeting at said place, and even giving his words. His arrest was also a cruel act of persecution. He was torn from his family, friends, and home, *ironed like a criminal*, sent to Washington, and there confined in a loathsome prison for months. He was discharged without a trial, or even having any charge made against him, further than such as was contained in the Governor's evidence, and upon which he had been arrested.

The party were started for Washington about the 1st of September, and on the 3d were committed to the Old Capitol Prison, with the exception of Judge Allen, who, being very sick, was paroled, and left at the Kirkwood House. Judge Duff was cruelly treated, for the first few days, in regard to eating and sleeping. He was at first compelled to eat with criminal prisoners, deserters, drunken soldiers, and those under court-martial, at what was called the *hog-pen*, a place where several hundred prisoners rushed at meal-time to satisfy the cravings of hunger. Unable to bear the stench of the place, and the sight of the disgusting mass of half-putrid meat, he would grasp a piece of bread in his hand, and rush into the open air to eat it. Subsequently, through the intercession of Superintendent Wood, he was permitted to associate himself with other gentlemen, and form a mess. Henceforth he fared much better.

While in the prison, a fellow-prisoner, Mr. Wm. A. Harris received a letter from Mr. B. G. Roots, of Tamaroa, where the evidence on which he had been arrested was fabricated by his calumniators. Mr. Roots occupies a prominent position in the Republican party of Southern Illinois. It was written without any solicitation, or even communication, from Mr. Harris. It reads as follows:

"TAMAROA, Illinois, September 10, 1862.

"WM. A. HARRIS, Esq.:

"*Dear Friend:* Believing, as I most fully do, that you are entirely innocent of any crime against the Government of the United States, I earnestly wish that I could do something to aid you in getting a trial, as I fully believe that all that is wanting to procure your release is an investigation of your case. I believe that the only evidence against you is an affidavit first published in the 'Chicago Tribune.' But I speak deliberately, and say only what I am ready to prove in any court, and before any officer who will take the testimony that I will procure, when I say that the affidavit contains so many lies, *wilful, wicked lies*, as shows fully that the affidavit is utterly unworthy of belief. I say publicly, that if the man who swore to that affidavit knew what he swore to, that is, if he knew what statements were contained in the affidavit, he knew that he was swearing to a lie. Yes, to a host of lies."

We leave a candid public to make its own comments.

Judge Duff was held a prisoner for three months, sixty-eight days of which were spent in the Old Capitol. On the 11th of November, 1862, he was discharged without a trial, or without being before any tribunal to hear his case. Before being discharged, he, together with Judge Mulkey and Messrs. Mahoney and Sheward, was required to subscribe and swear to an affidavit that they would not prosecute the persons who caused their arrest, or the heads of the Departments.

In concluding this narrative, we again quote from the Judge, who says: "Instead of regret, I feel a pride in the course I have hitherto pursued, in relation to the conduct of the late Federal Administration; and when I die, I ask no prouder inscription on my humble tomb, than, 'Andrew D. Duff, one of the Tyrant's prisoners in the "Old Capitol," during the great moral struggle between freedom and despotism, in 1862.'"

INVASION OF COLUMBIA COUNTY, PENNSYLVANIA.

THAT the more distant reader may the better understand the matter recorded in the following pages, a short description of the place and people is necessary.

The locality is the valley of the Fishing Creek, which, for romantic scenery, beautiful landscape, purity of its waters, health of its climate, and the richness of its soil, is not surpassed by any of the many valleys that abound in Central Pennsylvania. It is situated in Columbia County, and derives its name from the stream that passes through its entire length. Fishing Creek rises in the North Mountain, and, after passing through the county from north to south, empties into the Susquehanna a short distance below Bloomsburg.

The farms of the valley lie on both sides of this beautiful stream; while the valley itself is bounded, on either side, by high ridges. Along the northern part of the valley lie four townships—Sugar-Loaf, Benton, Fishing Creek, and Jackson. These townships, being the principal grounds of operation during the invasion, demand this further notice: Sugar-Loaf lies north along the mountain, and is bounded on the east by the line of Luzerne County; Benton lies south of Sugar-Loaf; Fishing Creek, south of Benton; and Jackson, west of Sugar-Loaf and Benton.

The people are mostly farmers, with merchants, mechanics, etc. necessary in a rural district. They are a hard-working, industrious people, and instead of waiting for the crumbs that fall from some lordly table, they carefully nurse the earth, and she rewards them bountifully for their labor. They are hospitable and kind; and the weary and needy are never turned from their doors empty. They contribute cheerfully and liberally for the support of their schools, their poor

their roads and their churches. Like their own mountains and the limpid streams that flow through them, they are free and independent.

On Saturday evening, August 13, 1864, the quiet village of Bloomsburg, the county seat of Columbia County, was suddenly disturbed by the appearance on its streets of eight cavalrymen and forty infantry, with two pieces of artillery. The town was instantly in a state of great excitement. The exultation of the Abolitionists was most intense. Their eyes sparkled with delight, their loyal tongues were untied, and threats against Democrats and Democratic printing-offices, with statements that troops were to scour the country, were in the mouths of loyal-leaguers and their followers. And a fierce desire, on the part of some of them, to inaugurate a reign of riot and bloodshed, was painfully apparent.

On Tuesday morning following, Major-General Couch, commanding the Department of the Susquehanna, (which included Columbia County,) with two hundred and fifty more troops, made his headquarters in Bloomsburg. On the night of the 13th of August, a report reached Stillwater that it was their purpose to arrest the people, and to burn and destroy as they went. On consultation, it was concluded to call a meeting the next day, to consider the situation and determine what should be done. Accordingly, runners were sent out in every direction, and on Sunday a large number of persons collected at the barn of John Rantz, in Benton township. The most of the men were armed, and some of them advised opposition; but better counsel prevailing, it was concluded to remain quiet, unless the troops commenced aggression; in that case, they resolved to defend themselves as best they could. The non-reporting men who had been drafted, formed themselves into squads, and sought refuge in different places, to await the result of the coming of the soldiers.

On Sunday morning, August 21, the troops at Bloomsburg struck their tents, and took up the line of march for the seat of the "Fishing Creek Rebellion." Toward evening, they reached the point where the main road crosses the

creek at Stucker's Bottom. Here they encamped for the night, and on Monday the inhabitants were greeted with the novel spectacle of armed men marching in hostile array through their hitherto quiet valley. Yet, the array was not very terrible in appearance, though there were infantry, cavalry, and artillery, five hundred strong. Unmolested, they continued their march to Appleman's Bottom, near Benton, where they encamped. On the following Sunday, their number was increased to a thousand men. The citizens of the valley now enjoyed the sight (many of them for the first time) of a military camp. Here, the people flocked to hear the fife and drum, and to witness the manœuvres of dress parade. The morning reveille awoke the sleeping echoes of the surrounding hills, and the bugle enlivened the evening with its stirring notes. Trains of baggage-wagons, moving up and down the creek-road every day, and squads of men in uniform, either on foot or on horse, travelling in all directions, presented to the ear and eye of the people, so unaccustomed to such things, scenes that kept them continually in a state of pleasant excitement. So harmless did the soldiers appear, and so peaceful were the intentions of the people, that a mutual acquaintance and friendship sprang up between them; and the former enjoyed the kindness of the latter, in the form of baskets well filled with the most substantial provisions. Though the Republicans knew of the raiding party, and had stated, in a few instances, the object of its coming, yet, having been in the neighborhood some time without making any demonstration that led to distrust, the people were lulled into security. It is true, that some had got an inkling of what was going on, and left their homes and remained in the woods all night, only to run into the snare that was laid for them as they returned to their homes in the morning.

Some time during the night of the 30th of August, a number of squads were detailed, and each one placed under its appointed leader. The utmost secrecy was enjoined, and instructions given them to halt and retain any person they

met on the road, to surround each house, and guard it until daylight, and then to arrest every man and well-grown boy that should be found. These squads took different directions; one portion of them taking the main road down the creek, dividing off at each cross-road, until they reached nearly every house as far down as Stillwater, a distance of four miles. Another portion proceeded up the main road, and so dividing off at each cross-road, as before, until they extended their guards into Sugar-Loaf and Jackson. Another squad advanced as far as Cambria and Columbus, near the line, in Luzerne County. Such was the secrecy of their movements, that the people knew not of their coming until they found themselves surrounded. As many of these houses lie off from the main roads, and some of them in obscure places, the question arises, How did the soldiers know where to go? or who piloted them to their destinations?

Let the Republicans of Benton hang their heads with shame, whenever these questions are asked; for each one of them knows best to what house he led the way, and well knew, also, the object of the search. In some instances, relatives were reported by relatives; thus fulfilling the Scripture — for prophecy, as well as history, often repeats itself — "A man's enemies shall be those of his own household."

But the night of fearful apprehension to the inhabitants of those mountain homes was drawing to a close. The gray light of the morning began to creep along the eastern hills, and day dawned to witness one of the most shameful and illegal military exploits ever performed by men calling themselves guardians of American liberty. What a libel upon the name of freedom! What a prostitution of military power! And what a fearful demonstration of the danger of an army guided by political opinions, and pushed forward by the force of party spirit! At the approach of day, the opening of each door was demanded, and every man, found about the premises, was ordered to "fall in," without time, in many instances, to prepare for decency or comfort. They were all marched to the Benton Church. Among the number col-

lected, there were a few whose names were not on the "roll of honor." These were dismissed, while the remainder (forty-four in number) were hurried off without food, save what little was brought to them hastily by their friends. It was a sad spectacle, indeed, to the few who were left behind, to see this mournful procession as it passed along. Here were the aged, whose locks were whitened by the frosts of threescore years, some of them tottering on their feet through illness. Here, also, were the able-bodied and the young, the rich and the poor, and those who held high places in life, all huddled together, surrounded by bayonets, and hurried forward, like cattle to the slaughter-pen, or slaves to the galleys. And this, in that beautifully secluded valley, where the rippling waters dance to the music of freedom, and where the murmur of the gentle breeze seemed to rebuke the spirit of the tyrant. And this, too, in the United States of America — the boasted home of the oppressed of all the earth — a nation of the freest people on the globe, whose star-spangled banner is a respected passport to every harbor in the world, and a pledge of protection to every child at home.

But on move the tyrant's minions, driving forward their victims to their filthy destination. Greatly to the disappointment of the prisoners, instead of stopping at Bloomsburg, they were hurried to the cars, and conveyed to Philadelphia, and thence, on the afternoon of the same day, to Fort Mifflin.

One thing, observable on this march, was the unnecessary cruelty practised toward them. Some of them were arrested and taken from their homes without breakfast, and all of them were conveyed the whole distance to Philadelphia, and kept until the next day, before any food was furnished them. In addition to this, they were marched and countermarched through the streets of the city, up one street and down another, footsore, hungry, some of them sick, and all worn out, until old men wept like children, and young men cursed the perpetrators of so foul a wrong.

Fort Mifflin is located on the Delaware River, six miles

from Philadelphia. It was built to protect the interests of that great city from the invasion of a foreign foe; but, like most of our northern Forts, during the late war, it was prostituted to the uses of a political prison. Its situation is most unhealthy, and its internal arrangements, as a prison, of the most shocking character. The particular part of the Fort, into which these unoffending citizens of Columbia County were thrust, was bombproof No. 3, the dimensions of which are given in the sworn statement of Mr. Wm. Appleman, as follows:

"We arrived in Philadelphia at eight or nine o'clock in the morning, (September 1,) and were taken to the Barracks at Fifth and Buttonwood Streets. Here, at noon, we obtained something to eat, tincups of soup, and some bread and meat, which was the first food furnished us from the time of our arrest. At the Benton Church, some eatables were sent to us from the house of John J. Stiles, by his direction, (he being one of the prisoners,) which was all we had had. Myself and sons were taken from home before breakfast. On the afternoon of the same day, we were taken to Fort Mifflin, and put in bombproof No. 3. This bombproof is partly below the level of the river, is arched overhead, and has thick walls of stone and brick. By stepping it, we made its width to be nineteen feet, and its length fifty-four feet. This was the space allotted to the prisoners, forty-four in number. One of the original prisoners had been discharged before we arrived at the Fort, on the ground that he had been arrested by mistake

"Air and light were imperfectly admitted on one side, and at one end of the bombproof, through openings in the wall, perhaps a dozen in number. The main ones may have been four inches wide by a foot in height on the outside, widening toward the interior. The floor was of hard earth or gravel, and firm. On the sides, scantling was laid on the ground, lengthwise of the room; and across these, boards were placed. Again, at the ends of the boards next the wall, short pieces of scantling or blocks were laid at intervals, end-

wise to the walls, across which boards were placed, forming a narrow platform along the walls a few inches high. This constituted a substitute for pillows, the lower and wider platform answering the purpose of a bed. A single soldier's blanket was furnished to each man, but no bedding — not even a little straw. The room was very damp and wet at times; the water came through the arch overhead, from the earth upon it, dropping down in the part farthest from the fire. To check this dampness, it was necessary to have a fire constantly in the grate at one end of the room; but this was not sufficient, although attended night and day. The fire was also useful to some extent in procuring ventilation; and from the chilliness of the room it was required for comfort, even in September.

"Our prison fare was as follows: To each a loaf of baker's bread for the day, one slice of boiled pork or beef at noon, and a tin of coffee morning and night. Sometimes one tin of bean or pea soup was substituted at dinner for the slice of meat. On three or four occasions, we drew potatoes, boiled in the skins, instead of soup, at dinner. Several times the meat was not good, and five or six times there was none furnished. The prisoners, however, purchased provisions for themselves, to some extent, at enormous rates. The expense incurred in this way was very considerable during the time I remained in confinement. Half of a single candle was furnished at night for the whole room, so we were obliged to furnish lights at our own expense. We were supplied with a filth-tub, made by sawing a barrel across the middle, and standing upright on the closed end. A stick was run across it, through holes bored a little way below the top, and thus provision was made for its being carried by two men. It had no cover. For about three weeks it stood in the gangway or entrance passage, outside the door of our prison-room, during the day-time. Afterward, upon my application, we were permitted to keep it during the day in an empty room adjoining the gangway. Two of the prisoners occasionally took it out under guard. *Always at night it was necessarily*

kept in our room, the door being locked. This whole matter was a great grievance.

"The prisoners were mostly over forty years of age, and accustomed to active employment, upon whom imprisonment bore severely. About the end of September, Wm. E. Roberts and John Yorks were taken sick with bowel complaints, and were removed to the hospital, near the Fort. Roberts died about ten days afterward."

But we will leave the prisoners a while in their gloomy cell and return to camp. Having made the foregoing arrests, the "Army of Fishing Creek" broke camp and proceeded up the creek about ten miles, and rested at the foot of the mountain. The situation of this encampment, and the object of this move, are stated by a correspondent of the "Philadelphia Inquirer," of September 6, 1864, thus:

"On Friday, we once more took up our line of march, and are now in the mountains. Our camp is located in a valley on the east branch of Fishing Creek. Mountains are all around us. The valley is barely wide enough for our camp, the mountains on each side rising almost perpendicularly for over seven hundred feet. Of course, I am not aware of the information possessed at headquarters; but from all that I can learn, the insurgents are encamped in a gorge in the mountains, where they have intrenchments, mounting two field-pieces. They are said to be from three to five hundred strong, and from their location, it will be extremely difficult to approach them with sufficient numbers to overcome their very strong position. It is the prayer of every soldier in the command, that they remain and give us fight. We hardly have hopes of this from the cowardly course they have pursued up to this time. Still they are hemmed in, and may be brought to bay.

"The 'Army of Fishing Creek,' commanded by General Cauwalader in person, is spoiling for a fight, and is praying that the insurgents will give them an opportunity of achieving something worthy of their mighty powers, and the labors and expense of a thousand men."

They had obtained one victory, but that was bloodless, as

the correspondent elsewhere remarks: "About one hundred men were quietly arrested and brought into camp." But here was a chance to show their courage by storming the breastworks of nature, made stronger by the arts of a force of "insurgents from three to five hundred strong."

The report had been extensively circulated, that a large force was strongly fortified in the mountains. Some had seen the forts, and others had seen the trail where the cannon had been dragged up to their positions. The object of this encampment, was to find and destroy these fortifications, and scatter and break up the "Fishing Creek Confederacy." They reconnoitred until they supposed they had defined the position of the enemy, and then made the necessary arrangements for the attack.

The result of this grand movement is best given in the language of John G. Freeze, Esq., of Bloomsburg, in a speech at the Nob Mountain meeting, in August, 1864. He said: "I wish I could fairly describe to you General Cadwalader's hunt after that 'fort mounting two field-pieces.' What trouble he had to get guides and scouts, (there were no intelligent contrabands in that country;) how he sent a squad of men after my old friend, James Hess; how, after a midnight ride, he captured a boy, who knew some other boy, who knew where the Fort was; how that boy did n't know, but could show them where there was a boy who did; and how, at last, somebody was found who undertook to fix the spot. Then the Major-General's scientific knowledge of military matters came into full exercise; his strategic ability had a foeman worthy of his fame; and his thousand men were divided, and located, and timed with the utmost military skill and precision. The grand 'Army of Fishing Creek,' in three divisions, advanced against that lonely Fort. After clambering for half a day over rocks and stones, through briers and huckleberry-bushes, and finding three or four old bear-traps, which my old friend, John McHenry, had set up there, they began to find signs of a place where somebody had been; and then, 'Look to your arms, boys, and keep your

powder dry.' And so, this valiant army progressed — each division coming up in order and at the proper time; when, suddenly surrounding the top of the mountain, they captured a place where some of your boys and girls had been having a huckleberry picnic; and that was all they ever did find. No Fort, no intrenchments, no rifle-pits, no field-pieces, no five hundred men, no rebellion, and no nothing. That was the end of the expedition; and Cadwalader, like that ancient King of Spain,

> 'With twenty thousand men,
> Marched up the hill, and then marched down again.'

"He was thoroughly disgusted; he came to Bloomsburg, and, upon his knowledge and experience as a military officer, he pronounced — I use his own words — the whole thing a farce. What then should he have done? He had arrested about one hundred of our citizens; he had incarcerated forty-four of them in bombproofs at Fort Mifflin; he had satisfied himself, after a thorough search in all directions, that the Fort was moonshine, and the rebellion 'a farce;' and as an honest man, as an officer deserving the name, he should have made it a personal matter to procure their release."

Thus ended this mighty movement to put down the "Fishing Creek Rebellion." And, nothing more left for them to do there, they returned down the creek, and encamped on Coleman's farm, above Stillwater. But, they were not satisfied with their success in this expedition; if they could not find men fortified in the mountains, they could find men in their *unfortified* homes. They, therefore, made several other arrests of citizens of Sugar-Loaf township, but, for some reason, soon released them.

The most important arrest that they made, at this time, was that of Rev. A. R. Rutan, of Fairmount, Luzerne County. We here give, in his own words, a statement from Mr. Rutan:

"I was born in New Jersey, and, when nineteen years old, came to Luzerne County, in this State, where I now reside. I have tried to preach the Gospel of peace for twenty years,

and I have always tried to practise what I preached, and to be a law-abiding citizen. But to my great surprise, on the 31st of August, 1864, three soldiers came to my house and arrested me. They said, Colonel Steward wished to see me at Benton, to make some inquiries of me about things around there; and they said I must go — their orders were to arrest me, and bring me without delay. I was taken to Benton that night, about ten o'clock. I was then permitted to go where I pleased, until the next day, about one o'clock, when I was put under arrest until dark. Then, I went with Colonel Steward to see General Cadwalader, and was released on a verbal parole of honor, that I would give bail to appear at court when called for. I went home and remained there until the evening before the October election, when six drunken soldiers came to my residence, at a late hour of the night, and commanded me to open my door, or they would break it open. I opened the door. They came roughly in, and said they had come to arrest me, and that I must go immediately with them. I asked for their authority, but they gave me no satisfaction. They compelled J. W. Steel to drive my team to camp. I was taken to the camp near Coleman's — was kept there two nights, sleeping on the ground. I was then taken to Bloomsburg, and was there one night and one day, and permitted to go where I pleased, without a guard. I spent the most of that day at C. S. Fisher's. I was then taken to Harrisburg, before Judge Advocate Wessels, and from him received another verbal parole, by promising to tell what I knew about a meeting near Benton, when Mr. Hadley preached. Mr. Wessels wished me to write what I knew of this meeting, and I agreed to write; but before I had written, Samuel J. Pealer came to see me, and made arrangements with me to clear me from all further trouble with the military, or the Government, as he called it. *I was to give him sixty-five dollars, a Devonshire heifer, and a fine dog*, which he said would clear me of all, and there would be no more arrests made on me, and there would be no soldiers troubling my family by

coming after me. But in less than one week, three soldiers came in the night, ordered me to open the door, and said I was their prisoner. I was again taken to Harrisburg, where I was interrogated about the disloyalty of different men, of whom I knew nothing wrong. I was kept in prison until about the last of November, when I had some kind of a trial. About four weeks after my trial I was taken to Fort Mifflin, and confined there until March 1, 1865. During my imprisonment, my family had to suffer many deprivations. I lost nearly all my crops. My loss was not less than six hundred dollars, besides all the suffering of my family and myself."

Such is the modest statement of this respected clergyman. And, however humble his position as such, it shows, that no class was free from the cruel grasp of military power. While the farmer was dragged from his plough, the mechanic from his shop, and the merchant from his counter, the minister of the Gospel of peace, also, was torn from his family, and the flocks of his charge, and thrust into a filthy prison, for daring to speak in opposition to the reign of terror.

After the prisoners had been taken away, there was scarcely a man left at home: they either fled from the neighborhood, or kept out of the way in the daytime, and slept in the woods at night. Old men of more than threescore years, who had ever been good and peaceful citizens, and had labored hard to secure homes for their old days, were not willing to lie down upon their own beds in their own houses, for fear they would be gobbled up by these military cormorants.

Let us now return to Fort Mifflin, and look in upon the prisoners. Shut up for days together in that dark, damp place, with its foul air and stinking water, with its scanty and sometimes unwholesome fare, is it surprising that the health of many began to fail? Some of them became so dangerously ill, that it was necessary to remove them to the hospital. Among these was William E. Roberts, who never returned — he died on the sixth day of October, 1864. His

friends were permitted to take charge of the body, and convey it to his home. He lies in the cemetery in Jackson Township, near the Union Church; and his grave will be long pointed out as that of one of whom it may be truthfully said, "They have murdered him."

"Sleep on, old friend, thy sleep is dreamless,
No midnight raids disturb thee now;
To thee the Tyrant's shafts are aimless,
He 's struck his last, though fatal blow.

While guided by some "loyal" minion,
They reached thy distant cabin door;
And for thine honest heart's opinion,
Thee from thy wife and children tore.

With tottering steps we saw thee going,
And marked thy walking in the row;
Thine aged form 't was easy knowing,
Thy locks and beard like fleecy snow.

With cruel haste they urged thee onward,
Yes, onward to the filthy goal;
From which thy friends soon carried homeward
Thy body emptied of its soul.

Though gone, the patriot heart will cherish
Each recollection of thy name;
And from the record shall not perish,
For thou shalt have historic fame.

We leave thee in thy silent slumber;
Our feeble pen can do no more
Than mention thee among the number,
The murdered of the forty-four."

Some of the prisoners were released after several weeks' confinement, without any trial, or without knowing why they had been arrested. But few of them were ever tried; and of the whole number arrested, but seven were convicted, and they by a military commission, on testimony that would not have been received in a court of justice. Of the seven men convicted, one paid his fine, one was pardoned by President Lincoln, and five by President Johnson.

List of Prisoners.

The following is a list of the names, ages at time of arrest, occupation, and length of incarceration of those arrested, so far as can be obtained:

No.	Name.	Age.	Occupation.	Detained.	
				Mo.	Days.
1	Daniel McHenry,	37	Farmer, Merch., Co. Tr.,	4	
2	Elias G. McHenry,	33	"	2	9
3	Joseph Coleman,*	68	"	1	19
4	Mathias Kline,	52	"	1	23
5	Abraham Kline,		"	1	23
6	Samuel Coleman,	45	"	1	23
7	Josiah Coleman,	41	"		15
8	Charles Coleman,	26	"	1	23
9	John Lemons,	35	" and Painter,	8	11
10	Silas Benjamin,	31	Carpenter,	1	23
11	Samuel Appleman,	46	Farmer,	1	23
12	William Appleman,	51	" and Lumberman,	2	22
13	Reuben Appleman,	25	"	1	22
14	Thomas Appleman,	22	"	1	23
15	James McHenry,	44	Merchant,	3	11
16	Dyer L. Chapin,	44	"	4	2
17	Elias McHenry,	47	Farmer,	1	19
18	Samuel Kline,				
19	John Rantz,	60	"	8	11
20	William E. Roberts,†	57	Carpenter,		
21	John Yorks,	57	Farmer,		
22	Henry Hurliman,	46	"	4	9
23	George Hurliman,	48	"	4	3
24	John G. Stiles,	39	Innkeeper,	4	
25	Hiram F. Everett,	33	Merchant,	4	
26	Scott E. Colley,	52	Farmer,	4	
27	Benjamin Colley,	37	"	8	11
28	Joseph Vansickle,		[County,		
29	Rohr McHenry,	36	Farmer, Distiller, Com. of	2	
30	John Karns,	59	"	1	23
31	John C. Karns,‡	23	"	1	23
32	Montgomery Cole,	40	"	1	23
33	Russel McHenry,	26	"	4	5
34	James Evans,	54	"	1	23
35	Jonathan Steel,		"		
36	Henry J. Hurliman,	21	Carpenter,	1	19
37	William Hurliman,	19	Farmer,	1	23
38	Valentine Fell,	49	Blacksmith,	8	11
39	John R. Davis,§	58	Farmer,	1	23
40	Arwillis Davis,‖	20	Carpenter	5	3
41	Samuel McHenry,	57	Farmer,	4	17
42	M. D. Appleman,	26	Wheelwright,	1	23
43	John Baker,	44	" and Farmer,	1	23
44	Abraham Hartman,	29	Farmer,	4	4

* Was a soldier of the War of 1812.

† Died at the Fort.

‡ Had been in the service nine months.

§ Sick when arrested.

‖ Drafted while in the West, and knew nothing of it until he returned home.

P. S. READER.

THIS gentleman, the victim of abused power, was of Macoupin County, in the State of Illinois, where he resided to within a few months of his decease, which took place in Texas.

He was, by occupation, a farmer, and, by industry and economy, had accumulated considerable property. Having a taste for mechanics, he built the first mill in that section of the country, and continued, throughout life, to hold an interest in it. Shortly after his settlement in Macoupin County, he was elected Justice of the Peace, which office he retained for twelve years. He was known as an affable gentleman and a liberal-minded man, who took great interest in the educational and charitable institutions of his county and State, and to which he contributed liberally.

Condemning as pernicious to the interests of the country the doctrines advocated by the Republican party, and as bitterly averse to the secession movement, then about taking place in the Southern States, he strenuously urged compromise measures for healing the breach between the North and South; although, when the tocsin of war was sounded in 1861, he freely gave his sympathies to the Union cause, and liberally extended his assistance in the raising of volunteers for the defence of the Government.

In 1862, the young men of Chesterfield, irrespective of party, incited by the pomp and parade of war, undertook the formation of a Home Guard, to which Mr. Reader became attached, and gave them, in their organization, the benefit of his former training and experience, acquired in the Illinois militia.

From his connection with this organization, a rumor was

circulated that he intended joining the Confederate Army with from eight hundred to a thousand men, whom he was then arming and equipping; and that a Confederate flag had been raised in his yard. Knowing that these reports were promulgated by his enemies, for the gratification of malice, Mr. Reader deemed them of too flimsy a nature to demand attention, and passed them by unnoticed. At no time were there over fifty men in arms for drill, parade, or any other purpose; while the Stars and Stripes were floating from a staff erected on his premises, and had been for months previously. He frequently attended, and spoke at the war meetings, and at one of them opposed the enlisting of boys of such tender years as to be unable to bear the fatigue incident to a soldier's life, and as only calculated to impede the army, and fill the hospitals. This, together with his oft-expressed desire for the closing of the fratricidal war by compromise, was quickly construed into opposition to the enlistment of volunteers; although in the course of the same remarks he had expressed sympathy and encouragement for the troops then in the field.

We have given a somewhat extended synopsis of Mr. Reader's political actions, which, together with the fact, that he afterward received no trial, when in the hands of the Government, will enable the impartial reader to judge of the cause of his arrest, which took place before sunrise on the morning of August 12, 1862.

He was called from his chamber, and afterward enticed from his house, on pretence of meeting a young captain of volunteers, to whom he had promised assistance in recruiting troops. Having no idea of arrest, he went out to meet him, and was immediately surrounded by a body of armed men, and arrested without a warrant or other legal authority, by the United States Deputy Marshal, who simply said, "You are my prisoner, sir, and must accompany me to Springfield, by order of the United States Marshal."

Being undressed at the time, he was permitted, under guard, to enter his house and put on the first old coat and

hat that he could lay his hands on, and these, together with a pair of shoes, formed his attire. He was then hurried away, without being allowed time to comfort his weeping family. Fearful of a rescue from his indignant friends, when they should hear of his arrest, his captors removed him swiftly away to Carlinville, and thence conveyed him to "Camp Butler," near Springfield, on the Sangamon River. Arriving there, he was placed in a filthy barrack, and neither permitted to have communication with his family or friends, nor to receive any money or clothing from them. A gentleman who was acquainted with him, while on a visit to the camp, to see a friend, met him clandestinely and communicated his situation to his family, who, thereupon, sent him money and some necessary articles of clothing, which were committed to the care of an officer, and never after heard of. The commandant of the post said, upon application being made to him for their restoration, "that he would make no inquiry concerning them," which assertion was carried out literally, as they were never recovered.

While confined at "Camp Butler," a petition, praying for his release from custody on taking the oath of allegiance to the United States, and signed by over a hundred of his friends and neighbors, was presented to Governor Yates, who refused to take cognizance of the case, averring that it was a matter appertaining to the General Government.

The prisoner, after remaining a fortnight at "Camp Butler," was then, together with nine other political prisoners from the southern part of the State, removed to Washington under heavy guard, with threats of being handcuffed in case an attempt at escape was made.

Arriving in that city, he, with some state prisoners from Virginia, was confined in the "Old Capitol," receiving an assurance, that he would be granted a trial at some future day.

Prohibited from receiving any letters, or holding any communication with his family, he suffered much mental anguish. At this juncture his friends, of both political parties, entered

into a bail-bond of fifty thousand dollars, which was transmitted to Washington, where it lay for a short time, no notice having been taken of it, until after the defeat of General Pope, and the reinstating of General McClellan in command of the Army of the Potomac

Mr. Reader was then called to the Judge Advocate's office, and required to sign the bond, when he was released, after being incarcerated for eight weeks. Being without means, he was furnished with a pass to Springfield, Illinois. Arriving there, and feeling keenly the injustice of his own imprisonment, and being satisfied of the innocence of his fellow-prisoners, he made an appeal, in their behalf, to Major-General *John A. McClernand*, from whom he elicited the response that, "*Such men as yourself, and Judge Allen, deserve to be hung, and you will be, too, soon, if you are not careful.*" Being extremely sensitive, he was discouraged and disheartened; and feeling that "scorn's slow, unmoving finger" pointed toward him, he returned to the bosom of his family, and there, in quiet and seclusion, sought a balm for his wounded spirit; steadfastly refusing to take any part in politics, although earnestly solicited to do so by his numerous friends.

In 1867, he was attacked with inflammatory rheumatism and scrofula, diseases from which he had previously suffered, but which had evidently been aggravated by his confinement. He started for Texas for the benefit of his health, which had, upon a previous occasion, been much improved by that climate. As he was getting ready to return home, he was seized with a severe attack of typhoid pneumonia, and soon found a grave, "a stranger in a strange land." He had neither friends nor relatives near him, to minister to his comfort, mitigate his sufferings, or proffer him the solace of religion.

"Earth serenely now may give her calm
To whom she gave her anguish."



THE OLD CAPITOL PRISON, WASHINGTON, D.C.

THE OLD CAPITOL PRISON:

Its History and Incidents.

THE buildings known as the Old Capitol, but now demolished, were not erected at one time. The Old Capital proper, included only the building fronting on First Street; that on A Street adjoining, and forming a part of the prison, was built subsequently.

The Old Capitol Prison, situated on the corner of A and First Streets, Washington, was an old and dilapidated brick building, which was erected in 1817, to accommodate the National Legislature, the Capitol building having been destroyed by fire. It was used for that purpose until the Capitol was rebuilt, when the additions and alterations were made, and it was fitted up for a boarding-house, and as such, was, for many years, patronized by members of Congress and others, who visited the city during the sessions of Congress, and whose daily attendance on the Legislative halls made a contiguous dwelling desirable. It was in this building that the Hon. John C. Calhoun breathed his last. And little did this revered champion of liberty, or his compeers, who legislated within its walls, or reposed beneath its roof, think that the day would come, when this building, within sight of the Capitol of the Nation, whose dome is surmounted by the Goddess of Liberty, would be turned into a Bastile and dungeon for the victims of despotism.

The building forms two sides of a square. The entrance on First Street is under a large arched window, which admitted light to the former Senate Chamber, but which, through its broken and filthy panes, permitted the winter's wind and drifting snow to fall on the unhappy inmates of

the "infamous" room No. 16. On entering the building from First Street, a large hall or passage-way presents itself. This was used as an anteroom, or lounging-place for the soldiers who formed a part of the military guard of the prison. On the right, there were two rooms which were used as offices, into which the prisoners were taken on their arrival, questioned, and searched by one or more officers of the guard. In the discharge of this and kindred duties, Lieutenant Miller, of the 10th New Jersey Volunteers, made himself so unenviably notorious and tyrannically officious, as to merit and call forth the unanimous execrations of every inmate of the prison, as well as the officers, guards, and negro attendants, and for which he was promoted to the office of Chief Jailer of the adjoining Bastile, called "Duff Green's Row." The innermost of these offices opens into a hall, on which there was one room for prisoners, which was about twenty feet square, containing a number of bunks or sleeping berths, like those used on canal-boats, but having three berths, one above another. These berths were about three feet wide and six feet long, and, from constant use and want of cleaning, were literally alive with bedbugs and other vermin. Indeed, this but faintly describes the condition of every room in the building at that time; and the weary hours of the inmates were often industriously employed in the disgusting occupation of killing vermin.

From this hall, the principal stairway ascends; and at the end of, and opposite to, the first flight of stairs was room No. 19, for some time used as the private office of the Superintendent. Not a few of our readers will call to mind their visits to this inquisitorial chamber, for it was there that Detective Baker and Superintendent Wm. P. Wood held their interviews with their innocent victims, and tortured their harmless, though often fearless, expressions into evidence against them! and, in hundreds of cases, this was the only evidence they possessed, with which they hoped to criminate or intimidate them into tacitly submitting to the terms of extortion proposed as a condition of their release.

Following up the stairs from this room brought you to the principal floor of the building, which was once used by the Senate and House of Representatives, but, latterly, was divided into five large rooms, numbered, respectively, from 14 to 18, of which room No. 16 was the centre and largest. These rooms strongly resembled the one already described, being fitted with similar bunks, filled with filth of every imaginable kind, and entirely destitute of any furniture or other accommodations indispensable to the humblest cabin. These rooms, which usually contained from eighteen to twenty-five prisoners in each, were less than thirty feet square; and, with the accumulation of filth, the inevitable consequence of overcrowding and neglect of cleanliness, presented a condition that can better be imagined than described.

The hall or vestibule in front of these rooms, and from which they all open, was continually paced by a sentry, whose duty it was not to allow more than two of the prisoners, at a time, to leave their rooms for the purpose of obeying nature's calls, and on their doing so, to shout to the sentry on the next landing, that "All is right, No. 6," that being the number of the post. Each sentry had a number to his post, and one was stationed on every landing in the building, so that the new comer to that terrible dungeon, in consequence of the continued calls of the sentries, the clanking of their arms, and the changing of the guard once in every two hours, had but little hope of becoming oblivious to his sorrows, or forgetful of his wrongs, in sleep.

Rooms No. 14, 15, and 18 were usually filled with citizens of Virginia — farmers living within the Federal lines. And many of these were gentlemen of the highest respectability, education, and patriotism; some found themselves inmates because they owned a fine horse coveted by some shoulder-strapped upstart; and others had refused to swear allegiance to a Government that was then totally powerless to protect their persons or property. Room No. 17 was filled with officers of the Federal service, many of whom were ignorant of the cause of their arrest, and some were sent there because

Provost Marshal Doster wished to coerce them into compliance with his mandates, and who proposed to release them or their sending in an unconditional resignation of their positions. In this room was confined a Lieutenant McClune, of the 135th Pennsylvania Volunteers, whose offence consisted in saying he disapproved President Lincoln's Emancipation Proclamation. For this grave and heinous crime he was incarcerated four months, without a trial; and finally, when tried, the Colonel (Porter) of his regiment, who desired the position for a friend, was made president of the court-martial. The result, as might be expected, was finding him guilty, and sentencing him to dismissal from the service, and imprisonment, *during the war*, at the Dry Tortugas.

Adjoining this was room No. 16, famous alike for having been the quarters of the Western prisoners and for having contained the leading spirits of the prison. This room, like the others, contained twenty-one bunks, but few of which, however, could be used by the occupants, as they were thickly infested by vermin. Here, at different periods, were confined men from almost every State of the Union — honorable representatives of the learned professions, merchants of the highest character and standing; and in fact, some from nearly all the walks of life.

The reader, to form a correct idea of the mess-room, No. 16, must imagine he sees before him a large and desolate-looking apartment, with one large window at the end, opposite to that from which he enters. In the centre, a large dirty cylinder stove. Around the room, and against its dirty walls, the whitewash on which was discolored with age, and festooned with spiders' webs, were distributed the bunks already mentioned, and in addition, three or four iron bedsteads — these bunks, at times, filled with boxes, bags, valises, pots, pans, newspapers, pipes, cigars, old playing cards, empty bottles, and one or more of every garment of men's wear, indiscriminately packed together in chaotic confusion, with the *débris* of the last meal, and the materials for the next. Sitting on chairs, benches, and *impromptu*

contrivances for seats, around two dirty pine-tables, each about five feet long, were twelve or fourteen gentlemen, whose ages ranged from twenty to fifty. These formed the mess of the room, and were diligently discussing a ham-bone, or a piece of commissary beef, which, from its quality, was commonly denominated "MULE."

When the reader reflects that these gentlemen were kidnapped from their homes, where they were always surrounded with the comforts and luxuries of civilized life, and for no earthly reason immured in that filthy prison-pen, destitute of every comfort, cut off from all correspondence with their families or friends, and denied the well-known rights of any accused person, he will cease to wonder at the wrecks of mind and body produced by their incarceration. Scattered around the room in every imaginable attitude, or crowding to the window to see the latest arrival, whom, within an hour, they would greet as a fellow-prisoner and sharer of their privations, are seen the other occupants of the room. Suddenly, the shout of "Fresh fish" is raised, when all rush eagerly to the window to witness the arrival, under escort of one or more detectives, of the last victim of military necessity. Or it may be, that the call is, "A sympathizer," when with equal avidity the prisoners would press forward to salute, or return the friendly but furtive greeting of some one of the many ladies of Washington, whose noble hearts, touched with sympathy at their sufferings, daily passed the prison to give them a cheering and kind look, which, though harmless, often involved them in difficulty; for scarcely a day passed that the sentry did not, under orders of Lieutenant Miller, or some other aspirant for Administration favor and promotion, arrest, on the sidewalk, or in carriages, ladies and gentlemen who dared to recognize, by look or salutation, a relative or a friend, who had the misfortune of incurring the displeasure of the War Department.

These arrests were of daily, and sometimes, hourly occurrence, and many ladies of the highest respectability have been dragged from their carriages for saluting a relative at the

window of this prison, taken into the office, and for hours, subjected to the insulting familiarity and impudent questioning of these uniformed plebeians, who were paid and pampered for the protection of these women whom they thus outraged. Nor was that the only consequence of a friendly look or word; for if the prisoner receiving or returning it could be discovered, he was at once locked up in a dark, dirty, narrow hole, which was dignified with the name of guard-house, where he was closely confined without food or bed, until the wrath of the official was appeased by some fellow-prisoner, or by the soothing influence of a *consideration*. And those discoveries were not infrequent; for the War Department secured daily reports of all the movements and conversations of the prisoners, by placing a spy in each room, who, though ostensibly a prisoner, was the paid informer of the officials. We will mention one marked instance of the kind which occurred in room No. 16. A fellow named Corbett, acting in that capacity, wrote daily reports to Detective Baker, one of which described the indignant denunciation by a prisoner of the corruption of this official, for which Baker had him placed in solitary confinement.

During the half-hour allowed for recreation to the occupants of the large room in the yard of the prison, the spies, assuming the air and bearing of injured victims, mingled freely with the prisoners, and obtained their confidence, with the intention of betraying it.

Ascending a short flight of rickety stairs, from the floor on which these large rooms were situated, you arrive at room No. 13, on the third floor, which forms a part of the addition to the Old Capitol proper. It was by rough measurement eight feet wide by fourteen feet long, from the door to the window facing the street opposite. The floor proper extended over only about ten feet of the length of the room; a raised sort of platform occupied the remainder of the space. This platform extended across the width of the room, and was elevated to a level with the bottom of the window facing north. The furniture of this room consisted of a small table

and two chairs, which had been purchased by some of the first occupants of the room, and left there when they were discharged. Beside these, there were two bunks for sleeping, each one having a place for two occupants, canal-boat fashion. These bunks were furnished with a tick each, having in them but a scanty quantity of old straw, which had done service ever since the place had been used as a prison. Each berth was also furnished with a dirty quilt, and beside these, there were two small blankets in like condition, which did service for the occupants of this room by turn. For pillows, a board had been mortised into the head ends of the berths. This room, with four others of unequal size, but of equally filthy condition, opening on a corridor, was at times devoted to prisoners kept in solitary confinement, and cut off from all conversation or privilege of recreation.

It was in a room on the second floor of this part of the prison that the well-known Belle Boyd was confined; and the list of the names of the occupants written on the walls vied in length and respectability with the registers of our largest and best hotels. These rooms were in the wing of the building on A Street, and from the windows of some of them could be seen the railroad depot, Camp Sprague, (afterward used as a hospital,) and the negro village with the euphonious name of Swamppoodle. The barred casements of the rooms were constantly lined with the pallid and anxious faces of the inmates, who gazed with envy on the contrabands enjoying that liberty of which they were so unjustly deprived. That portion of the building which contained the rooms was, as before stated, used for prisoners kept in close confinement, who never breathed the fresh air of heaven but once a day, when they were allowed, under escort of a corporal, to visit the sink.

On the lower floor of this building, which was reached by a dilapidated and dangerous stairway used by the prisoners, (none of them being allowed to use the principal stairway, which was reserved for the officers, guards, and negroes,) were two rooms, one of them running the entire width of

the building In this room the Confederate prisoners of war were confined, but from which they were removed, in the coldest part of December, 1862, to an out-house. This change was made to accommodate the negro washerwomen, who were by far the most important of the prison inmates. From this floor the visitor passed to the prison-yard, about one hundred feet square, one-half of which was paved with bricks or round stones; the remainder was (in wet weather) a quagmire.

It was here, during the summer months, that five large Sibley tents were erected, in which, and on the brick pavement, several hundred prisoners of war were huddled together, night and day, for many weeks.

In a line with that portion of the prison last described, there extended a two-storied wooden building, the upper part of which was used for a hospital, with its steward's rooms and apothecary shop. The approach to it was by a flight of steps outside of the building, at the foot of which stood a sentry, to prevent intrusion by any but the favored few who had succeeded in getting a whiskey pass from the Superintendent.

This was obtained by first procuring from the Surgeon in charge a written permit to purchase and keep in the hospital liquor for the bearer's use, which, on being countersigned by the Superintendent, allowed the fortunate possessor to open negotiations with Corporal Brown, the sutler or commissary of the prison, for the purchase of whiskey; and as Corporal Brown set an exalted estimate on his time, and said, "He never bought any but the best," the liquor, including the sample taken out of it in the office for examination as to its quality by the guard, who, having the health and welfare of the prisoners at heart, jealously scrutinized whatever they purchased for consumption, cost more than Imperial Tokay by the time it reached the owner.

The hospital accommodations were, with some exceptions, as good as could be expected in a place conducted without regard to system, unless it was a system of plundering the

unfortunate prisoners, which was done in a hundred different ways. Conspicuous among them was the sale to the prisoners of certain articles, such as tobacco, cigars, matches, stationery, pies, cakes, bread, cheese, and other edibles, all of them of the poorest quality, but for which a profit of five hundred per cent. was charged by Corporal Brown or his partner, who held this lucrative, if not dignified, office by virtue of his being a nephew of the Superintendent. The only opportunity afforded to make the purchases was during recreation, when the space in front of the sutler's shop was crowded with the eager throng, cash in hand, which they were glad, from necessity, to exchange for the miserable rubbish peddled to them at ten times its value; and, in addition, to submit to the impertinent and obscene familiarity of a vulgar puppy, who presumed on his relationship to the Superintendent to take advantage of the peculiar position of the prisoners. The scenes of daily occurrence, in front of this swindling shop, were often decidedly racy.

The friendly badinage of some of the prisoners as they called out their wants, (for an armed sentry prevented their approaching within several yards of the door,) was highly amusing, often witty, and but seldom personal, as the quality of the articles, the enormity of the charges, and the childish tyranny of the ever-changing prison rules, formed fruitful topics for the exercise of their wit and repartee, while many of the prisoners were thus engaged. If the weather permitted, others were vieing in exhibitions of strength or agility, or seeking exercise for their limbs, weary with the confinement, by repeated marchings around the narrow limits of the yard. To those varied modes of passing the coveted half-hour for recreation, sudden stop would be put by a sergeant calling out, "Time is up: repair to your rooms;" when they would again return to inhale the fetid and unwholesome atmosphere of their overcrowded apartments.

Adjoining the sutler's shop, and nearer the hospital, was the mess-room of the prison, for the use of those who had

not the means or the privilege of procuring their own food. It was a long, dimly-lighted room, with a pine bench running its whole width and around its walls, on which, at meal hours, the prisoners' food, consisting of half-boiled beans, musty rice, and pork or beef in a state of semi-putrefaction, was thrown in heaps, from which they helped themselves, without knife, fork, or plate. The accumulated filth and grease, on the floor and table, sent forth such an odor, that many, nay, most of them, on snatching a piece of meat in one hand, and bread in the other, were obliged to go into the open air to eat them. The total disregard of cleanliness in this hog-pen, and the fetid effluvia from the half-cooked and decomposing food, together with its proximity to the hospital, must have caused or hastened the many deaths that occurred there. Opposite to this, and extending to the gate, was a stone building, one story high, which contained the cook-house, wash-rooms, and the guard-house, already described.

Behind this building, and at the west of the wood-shed, the sinks were situated; and consisted of wide trenches, partially covered over, but open in front, with long, wooden rails, on which the eighteen or twenty persons, using them, were obliged to stand. The accumulated excrement — for months, of several hundred men, many of whom were suf fering from diseases of the intestines, produced by these sinks — sent forth an offensive effluvium that poisoned the atmosphere of the whole prison, and disgusted the sickened senses of its inmates. In front of the cook-house, and on the west side of the yard, a wooden fence was placed, to divide it from that portion designed for the use of the guards. At the end of this fence were two other sinks, differing from those described only by being enclosed. These were reserved for the officials, and a favored few who were admitted by card, which was closely scrutinized by the sentry in front of them. And any person who approached them was ordered to halt and show his ticket, without which none could enter either of those reserved, though equally loathsome, premises. The negroes had, also, for their use, covered sinks; as in this,

so in every other particular, their comfort was considered of vastly more importance than that of the prisoners.

Running along the southern side of the yard, a two-story wooden building was erected to accommodate, or rather contain, a portion of the Confederate prisoners. Its interior, for want of cleanliness and light, beggars description. Adjoining it was the gate opening into an alley-way, at which were continually congregated a herd of hungry swine, waiting for the slush that oozed from the prison yard, the daily offal of several hundred men.

In December, 1862, the President ordered the execution of a soldier in the prison yard. The gallows was erected in front of the Confederate quarters last mentioned, and as visitors were expected, the entire prison received the long needed cleansing and whitewashing. For several weeks after the execution, the revolting instrument of death was left standing in the yard — as it was said, to be a terror to the prisoners. After the elections in November, 1862, the number of arbitrary arrests having greatly diminished, the condition of the prison became somewhat improved. This description is literally true in every respect; and in no other city or country would such a nuisance have been tolerated, or allowed to pollute the atmosphere by its existence.

On the same street, in the adjoining block, a row of houses, known as "Duff Green's Row," was also used as a prison, for the incarceration of prisoners of state. Its condition and management were so like the Old Capitol as to render unnecessary a detailed description of it.

On the arrival of a prisoner at the door, his presence was announced by the sentinel who was patrolling the pavement in front of the building. He called out, "Corporal of the guard, No. 1." The corporal would shortly make his appearance and take him in charge. He was then pushed into the prison, and within its doors he would find several dirty-looking soldiers lounging around, a true type of the establishment that was to be his abode for some weeks, probably months. He was likely to be kept in the anteroom for some

time, if there should be a visitor in the inner room, and then he would be ushered into the august presence of Lieutenant Holmes, who was known in the prison by the *sobriquet* of "Bullhead," and must undergo an examination of baggage and person, and be duly registered.

This officer, like many other civilians who never before had any authority over their fellow-men, arrogated to himself all the power, as well as authority, which he dared exercise with impunity, over the defenceless victim intrusted to his guardian care. After reading the commitment from the orderly, who had brought it from the office of the Military Governor, Lieutenant Holmes would proceed to inquire of the prisoner whether he had arms, liquors, or other contraband goods; and if the reply was satisfactory, he was passed to some one of the rooms of the building that the lieutenant might designate as a proper receptacle for his person. If the reply was unsatisfactory, he would thrust his hand into the valise, or package, as the case might be, and if anything contraband was found, he would appropriate it to himself, as was the rule at Washington.

Wishing to visit a friend confined in the Old Capitol, the visitor had first to obtain a pass, and then, on presenting himself at the door, he would be halted by the sentinel, who would call lustily for the corporal of the guard. The corporal, on making his appearance with his musket at his shoulder, would conduct him into the august presence of the sergeant of the guard. The sergeant would seize his musket and enter an inner room to announce his presence to the lieutenant. If that dignitary were disengaged, he would permit the visitor to enter, and the sergeant would announce that permission accordingly. As there was only one reception-room for the visitors of all the prisoners, and as only one person was allowed to enter that at a time, the visitor was compelled to await his turn in the antechamber. The lieutenant would then examine his pass inside and out, spell out some words, and guess at the rest, and then inquire the name of the person he wished to see, for it was very doubtful if the

Military Governor could decipher the manuscript. After these preliminaries, a corporal would be directed to bring down Mr. —— from room No. —. In due time the prisoner would come. If the visitor expected to have a private *tête-à tête*, he would soon be undeceived, for the military keeper would seat himself directly in front of him, at about three feet distance, listen attentively to every word, watch every motion, and see that nothing was done to overthrow the Government. The visitor would feel exasperated at the idea of having an eavesdropper and intermeddler listening to all that was said, and feel, too, an almost irresistible impulse to insult him; but he would not have long to think on this breach of courtesy, for presently he would see the keeper place his hand on his watch, and call out, "Gentlemen, time is up." The fifteen minutes granted for an interview have fled. The prisoner is motioned to his room, and the visitor required to withdraw.

Prison fare in the Old Capitol — and it appeared to have been much the same in Forts Lafayette, Warren, McHenry, Mifflin, and Delaware — consisted of bread, (sometimes good,) salt pork, and occasionally beef. The pork was of poor quality, and was made worse by being badly kept, and illy cooked. The beef was such as was seldom eaten by those who had any means of procuring better, and who had the permission to do so. It had the appearance (when cooked, it was generally fried,) of a piece of thick sole-leather, steeped in grease, and subjected to the heat of the fire, in an iron utensil. Those who had good teeth might masticate it, with an effort, but even then they could not swallow it.

Under these circumstances, prisoners of state, and others who could afford it, clubbed together and formed messes in their rooms, and by the aid of Corporal Brown in the Old Capitol, procured such edibles as they could prevail on that functionary to purchase for them. The principal mess of this kind, in the Old Capitol, among the prisoners of state, was in room No. 16. Each member of the mess paid, when called on by the commissary, his portion of the week's expenses for provisions.

This, of course, did not include tobacco, cigars, and such other luxuries as individuals chose to indulge in. When meats were procured, through the gracious aid of Corporal Brown, and the permission of Superintendent Wood, the cooking was done by one of the contrabands of the establishment, who was always paid, of course, for his services. Before the formation of this mess, the prisoners of state fared badly, and many of them were indebted to their families and friends for the wholesome food that was at times furnished them. It is just to say of Superintendent Wood, that it was no fault of his that the prisoners of state fared so badly. General Mansfield, when Military Governor of Washington City, gave orders that the prisoners should be fed on side pork and hard biscuit — the worst that could be procured. Mr. Wood remonstrated with the General on this order, saying that the prisoners were not convicts, that they were under no sentence of any tribunal, judicial or military, but were merely held to await a trial, and that most of them were gentlemen who were not used to such hard living as he prescribed.

"D—n them!" was General Mansfield's reply; "they are all traitors, or they would not be there" — meaning the Old Capitol. "They shall have nothing else but what I have ordered — that is good enough for them."

Superintendent Wood became indignant at this, and told the General to his face, that "the prisoners were just as good men as he was, and he'd be d—d if they did not have good bread, at least while he was Superintendent of the Old Capitol." And he made his word good, for, on being refused bread for his prisoners by General Mansfield, he engaged the bakers near the prison to furnish all that he needed.

When the Almighty became so provoked at the wickedness of the King of Babylon, that he could not suffer himself to be outraged any longer, He wrote the mysterious sentence of the King's punishment on the wall of his dining-hall. Whether it was in imitation of this that the Old Capitol prisoners wrote their condemnation of Mr. Lincoln

and his fellow-tyrants on the walls of their prison, we cannot say, but certain it is that these prison walls were almost literally covered with sentiments expressive of the indignation of those who had been deprived of their liberties and rights. It was a custom of the prisoners to write their names in pencil on the walls of the first room in which they were incarcerated, adding the date of their arrest, the alleged cause of it, if suspected or known, and then adding their opinions, sometimes in doggerel, of their rulers. It is easy to see that by degrees — a little being added by every new comer — the walls would soon be covered with writing. This was the case, and it became so offensive that whitewashing was resorted to, in order to destroy it. Nor was it writing alone with which the Old Capitol walls were disfigured, speaking administratively. Various designs of flags, caricatures, etc., were conspicuously displayed on them, some of which laid considerable claim to artistic merit. As a number of the prisoners were Confederates, the devices on the walls were generally such as signified the feelings and sentiments of the people of the South. Rebel flags, both of the Southern States and of the Confederacy, were profusely displayed; and in one room was a nearly full-sized figure of Stonewall Jackson on his war charger. Thrown in among Rebel songs, sentiments, and flags, a Northerner would have a fling at the Administration, in some of his sentiments. We here give our readers two specimens, which were copied from the walls of room No. 10:

"In fancy free my mind doth roam
From prison walls to distant home;
No prison walls my thoughts can bound,
No tyrant's power can make me fear;
Though hireling bayonets me surround,
What I was free, I still am here.
I still am free by truth and right,
A prisoner, not by law, but might.
The victim of a despot's will,
I 'm doomed a felon's place to fill:
I 'm called a traitor, base pretence;
I love my country, my offence

Country, once now happy thou,
But where are all thy glories now?
Where that liberty, thy boast,
Where that Union, once our toast?
Liberty in shackles weeps,
While her avenger rashly sleeps.
Avenger, sayst thou? Where are they
Who once o'er this broad land held sway?
Where are the freemen who would not brook
The rule of sceptre, crown, or crook?
Degenerate they in every state
Which made their fathers good and great."

Another was as follows:

AN APPEAL TO FREE AMERICANS.

"Freemen, ye sleep while the Nation is dying;
Arouse from your stupor, ye sons of the brave;
See, in the Bastiles your comrades are lying;
Shall tyranny trample them down to the grave?
No! you reply,
Freemen will die,
Rather than one shall live as a slave.

"Come, then, to the rescue, let each one be striving
For who shall be foremost in liberty's cause:
Down with the Bastiles! see, the tyrants are flying,
Who outraged their country, its honor and laws.
Victims of might,
Servants of right,
The tyrants are worsted—join us in applause."

At the bottom of this was signed the name of the author, so that there could be no mistaking who was the offender. This was but one of the many evidences written on the walls, and uttered in the hearing of those whose duty it was to convey the information to headquarters, of the spirit which still animated the emaciated bodies of those political martyrs. They could be imprisoned by might — they could be treated with indignity, without having the physical strength to resent it — they could be almost starved to enforce submission; but it was not in the power (mighty as it became with a

million of armed men at its back,) of the Administration to shackle the spirits of freemen.

On a pleasant Sunday morning in August, 1862, the occupants of the prison were startled by an extraordinary exclamation, which rang through every room of the Bastile: "All ye who want to hear the Lord God preached according to Jeff Davis, go down to the yard; and all ye who want to hear the Lord God preached according to Abe Lincoln, go down to No. 16." Before the inmates had fully recovered from their surprise, Superintendent Wood made his appearance at the door of No. 13, repeating the invitation to its inmates as he had to those of the other rooms, as he came along. "Suppose," inquired one of the prisoners, "that we do not want to hear the Lord God preached according either to Jeff Davis or Abe Lincoln, what then, Mr. Wood?" To which the accommodating Superintendent replied: "Oh, then, you can stay in your room."

Mr. Wood, as the reader may as well be informed, was an infidel, or pretended to be such; and was no doubt sincere in his profession. It was not so much the respect he bore Jeff Davis or Abe Lincoln, that he invited the prisoners to hear the Lord God preached according to either of their standards, as the utter disbelief in the Gospel itself, and a desire to manifest his contempt for the word of God, and pity for any who were so credulous as to believe in it. And yet, with all, he had a good heart, when his better feelings were not thwarted by his prejudices, and especially by his partisan failings. When the dictates of humanity, and the interests of party conflicted with each other, the struggle for mastery was often strong and violent. The partisan generally had the best of it in the outset, but in due time passion became gratified, reason asserted its influence, and the finer feelings of the heart took possession of the man, and directed his actions. Although none of the prisoners cared to hear the Lord God blasphemed by a Jeff Davis or Abe Lincoln preacher, yet all availed themselves of the opportunity to obtain an airing in the yard. The preaching, according to

Jeff Davis, was done by a Hard-shell Baptist, who delivered a sensible discourse on the causes which produced the then existing difficulties. He attributed the war to the fanaticism, zealotry, and bigotry of New England — to her temperance lecturers, her tract distributers, her missionary societies. Those, he argued, constituted one of the exciting causes of the war, as well as Abolitionism. New England, he said, assumed that all the rest of mankind, and especially the Southern States, were living in ignorance of the knowledge of God, and of the words and works of God; and she felt herself called on to be, not only the instructress of the world, but guardian of the weak, and chastiser of the wicked. Hence she sent her lecturers through the country, declaiming against the immoralities of the South, when it was a statistical fact that there was more immorality in herself, than in any other portion of the Union. She scattered her religious tracts through the South, not for the purpose of teaching the reader how to know and love God, but, in a latent, insidious manner, to teach the slaves how to become disobedient and rebellious toward their masters. Such was the conduct of New England, said "the preacher according to Jeff Davis," toward the South, and it was such conduct that resulted in provoking the South to resist the injuries sought to be inflicted on her. There was not much Gospel, but a considerable amount of fact in it, and the conclusions drawn by the preacher accorded with the judgment of his audience. As soon as the speaker had closed his discourse, the Superintendent, who liked neither the religious nor political sentiments of the preacher, called his attention to another text of Scripture, which says, "I did not come to present you with peace, but with a sword." The sermon or discourse having been founded on the beautiful hymn of the angels, "Glory to God in the highest, and peace on earth to men of good will." And it was both to show there was a contradiction in the word of God, and to confound the preacher, that his attention was called to the other text. But the preacher was not at all disconcerted. On the con-

trary, he turned the tables on the unbeliever, and instrument of arbitrary power, showing him that the sword Christ referred to, was the word of God, which he was using with effect, on just such persons as he and those in whose employ he was. His audience approved of the castigation of the Superintendent, and could scarcely refrain from applauding him. Thus ended the "preaching of the Lord God, according to Jeff Davis," on that Sunday. "The preaching of the Gospel, according to Abe Lincoln," was done by an Abolitionist named Spears, and his wife. Spears very charitably and disinterestedly (he was looking after a chaplaincy, which he soon after secured,) volunteered his Sunday services to carry the glad tidings of the Gospel, according to the fashion of the day, to the inmates of the Old Capitol.

He was accompanied by his wife — one of those lank, skinny, cadaverous she-males, to which nature in some of her freaks or blunders gave the sex of woman. Mrs. Spears not only spoke through her nose, as most of her kind do, but when she did speak, she put a finger to that organ, as if to make her nasal twang more perfect in her estimation, and more disagreeable to her hearers. She, of course, spoke first, and it was with some difficulty that her audience refrained from a burst of laughter, so ludicrous was her *tout ensemble*, and so impudently presumptuous was her address. She spoke but a few minutes, being satisfied, no doubt, that her efforts were not appreciated. It was then the turn of her spouse, who was an excellent match for her in every respect. He was an Abolitionist and a preacher on the same principle that one is a shoemaker or other tradesman — it paid. And, although but a very indifferent exponent of either Abolitionism or "the Gospel, according to Abe Lincoln," he made up in presumption what he lacked in ability. His sermon, if such a farrago of cant and nonsense as he uttered could be so called, was a mixture of scriptural quotations, jumbled together without application, and of suggestions to the prisoners that there was hope even for them in the kingdom of Christ. The hypocritical knave! just as if the meanest person confined

there was not an angel of light compared to him, who had volunteered to give spiritual comfort to the inmates of the Bastile, only that attention might be attracted to his disinterested services, (?) and that he might be rewarded with what he was seeking to obtain—a chaplaincy in one of the city hospitals.

As there were no guards in No. 10, considerable "skylarking" was indulged in by the prisoners, in their endeavor to while away the lonely and wearisome hours of their imprisonment; and it was on such occasions that the dance, of which we are about to give an account, occurred. Being unable to sleep for the vermin, Messrs. Sheward and Apple proposed to Mr. Crolly to have a dance.

Mr. Crolly was an old bachelor, who had been engaged for many years as a railroad contractor in Virginia. On the breaking out of the war, the State of Virginia was largely in his debt. It so happened that, at the time of the battles before Richmond, Mr. Crolly was at that place, endeavoring to procure a settlement of his account with the State, which he had effected so far as to ascertain how much was due him, but did not get his money. After obtaining the settlement, Mr. Crolly returned to his home, in Western Virginia, then in possession of the Federal army, and recognizing the authority of the Federal Government. Being an industrious man, he determined to turn his attention to mercantile business; and, for that purpose, visited Baltimore, late in August, 1862, to purchase goods. While there, he fell in with an Irishman, a countryman of his, who, it turned out, was in the employ of Baker, Chief Detective of the War Department. This fellow soon found out that Crolly was a goose well feathered, and, learning from him some of his antecedents, had him arrested and taken before the Provost Marshal of Baltimore, who, after hearing Mr. Crolly make an honest statement of himself, discharged him. But his quondam friend, the detective, determined that he should not get off in that way, procured an order from Washington for his apprehension. This time, he was in Baker's clutches, from whose grasp

there was no escape, but by the relaxing power of money. So Crolly was thrust into the Old Capitol, and became an inmate of No. 10, where, from a fancied resemblance to General Jackson, he was called by that name, and was so known by his fellow-prisoners.

Mr Crolly was an old man, of not less than sixty years of age, but he was as straight as a shingle, and prided himself on his many accomplishments, among which was that of dancing.

"Can you dance, Jackson?" inquired Apple, putting his head out of his bunk, on the occasion referred to.

"Huh! in faith, I can," was the reply.

"What can you dance?" inquired the mischievous Apple.

"Anything at all you wish," replied Jackson.

By this time, every one in the room was sitting up in bed, and a light had been struck.

"Sheward," inquired Apple, "can you whistle?"

"Yes," replied Sheward; "what do you want me to do?"

"Jackson, here, says he can dance, and I just want to see if he can. If you will whistle, I'll beat 'juber' for him, and we will see if he is playing off on us or not. Jackson," continued Apple, "come down here, and let us see what you can do."

Jackson, when thus addressed, was in the bunk over Apple, and without more ado, down he came, in his night-shirt and drawers, straightened himself up, and took position to begin. Sheward whistled, Apple beat "juber," Crolly danced with a will, and the rest of the crowd roared with laughter. Crolly's feet were applied to the floor so vigorously, that the rickety old building fairly shook, and in a few minutes, a crash was heard below.

"To bed with you, you devil!" was shouted at Crolly; and to bed he jumped, as nimbly as a youth of sixteen. He was scarcely there before the corporal of the guard made his appearance at the door.

"What the h—l and d——n are you fellows doing up here?" inquired the irritated corporal.

"Why, what 's the matter, corporal," said one of the prisoners, in a voice as if he had just been aroused from sleep.

"The whole ceiling under here has just fallen down on Col onel Kohler, and he is d—d near dead."

"How did it happen, corporal?" was the apparently anxious inquiry.

"Happen," replied the corporal, "why, you fellows have been making a noise up here; that 's how it happened, and there 's the devil to pay."

"Corporal, just look here," said one. "Do you see this man lying on the floor," pointing at the same time to War ner Perry, whose bedstead was the floor. "Every time he rolls over, this house shakes. Perry," said he, addressing the gentleman on the floor, "won't you roll over, to let the corporal see how it is?"

Mr. Perry, who weighed fifty pounds under or over three hundred, gave a roll which shook the building. "There, corporal," continued the spokesman, "if anything has happened down stairs, it came of leaving that man sleep on the floor."

"D—d if I don't believe it 's so," remarked the corporal and immediately left, satisfied that nothing wrong had occurred in No. 10. The occupants were in glee at the decep tion practised on the corporal, but anxious to learn if any harm had befallen Colonel Kohler. Their fears, however, were allayed by his appearance among them the following morning, by special permission. His first salute to them, on entering the room, was: "What the devil were you fellows about last night?" Seeing that he had escaped unhurt, they told him the whole story, and he enjoyed it as much as any of them.

From him they learned the extent of the catastrophe. It appears that a large piece of the ceiling had fallen down, but fortunately missed both the Colonel and a Major who was his room-mate.

About the latter part of March, or the first of April, Mr

Jesse W Wharton, a young man of about twenty-six years of age — son of Dr. Wharton, Professor of Agricultural Chemistry in Prince George County, Maryland — was wantonly murdered by Harrison Baker, a member of the 91st Pennsylvania Regiment, then stationed as a guard at the Old Capitol.

One of the regulations of the prison was that no one should protrude his head or limbs beyond the line of the building when looking from the windows. On this unfortunate occasion, the deceased gentleman was standing at the window of room No. 10, and was strictly within the prescribed limits, when Baker, the sentry in the yard, very insultingly ordered him away, "or he would blow his d—d head off." Mr. Wharton, feeling indignant, made some rejoinder, then turning, paced the room several times, and quickly presented himself at the window again, with his arms folded over his breast, looking out. The sentinel (Baker) again, without any reasonable provocation, ordered him away with a threat. Mr. Wharton, believing he was not infringing any of the rules, paid no attention to the levelled musket in the guard's hands, and kept his position in the room, his arms still folded, when the sentry, with the most guilty thirst for the blood of an unarmed prisoner, confined without the least chance of escape, took deliberate aim and fired his piece: the minié ball passing through the hand of the left arm, and the elbow of the right, breaking the bone, and entering exactly at the right nipple, passed out near the spine, going through the lungs. Still erect, he gazed fixedly at his murderer a moment, then began to reel backward, when two of his roommates caught him in their arms and lowered him to the floor. He remained quiet until the doctors came, when he called for the Lieutenant (Mulligan) commanding the post, and he having come, Wharton bid him face him, when he clearly and distinctly, in the presence of the doctors and his fellow-prisoners, accused Lieutenant Mulligan of having given the order to fire — he having heard him — and branded him as his murderer; calling upon him to look upon a dying man, and

hear his sentence from the chilling lips of his unoffending victim. Whatever the officer thought, he exhibited no emotion, but the most slavish fear, and then left the room without a word, with Cain's brand upon him. The dying prisoner lingered eight hours from the time of his being shot, (about 11 o'clock A.M.,) and was attended by his young wife and two sisters, until his last gasp betokened him death's prisoner, and the grave his next cell.

> "Near, and more near
> They bent, with pale inquiry, and close ear:
> His eyes were shut — no motion — not a breath —
> The gentle sufferer was at peace in death."

Mr. Wharton was formerly an officer in the United States regular service, noted for the most undaunted courage, and a liberality of heart and qualities of mind which had made him numerous friends wherever he had sojourned. He resigned his commission in the Federal Army, and was consequently arrested by the Government, and confined, for fear of his going South. The sentinel who shot him was afterward promoted — a sad commentary on national honor, as expounded by the Administration of Mr. Lincoln.

In the latter part of May, the same year, Mr. Harry Stewart, aged about twenty-three years, and a son of Dr. Frederick Stewart, of Baltimore, was shot by a sentinel belonging to the 86th Regiment New York Volunteers, under the following circumstances. Mr. Stewart was a fine young gentleman, of short, but robust stature, and of excellent qualities, and having been to Richmond, was arrested on his return as a spy. The charge being a serious one, he was anxious to escape, and the sentry who shot him having several times committed himself by introducing such remarks as would lead the prisoners to believe him open for a bribe, Stewart managed to converse with him, when the sentinel told him positively that he would, for fifty dollars, connive at his escape, and permit him to pass from the second-story window to the pavement below, without molestation. For at least

a week this plan was discussed, giving the guard ample time to revoke his bargain, if he desired; but he still encouraged Stewart in the attempt, and finally fixed the night himself, he being on guard from 10 to 12, and from 4 to 6 o'clock. Mr Stewart remained up all night waiting the signal of his co-operator, which occurred about 4 o'clock A. M., the sentinel calling him, and saying, "now was his time," and to make haste. Stewart, trusting to the man's honesty of purpose, swung himself, by a rope, from the window, and before he was three feet below the window, the sentry cried halt! and in less than a second, he fired his musket: the ball, penetrating the right leg below the knee, and passing through it, completely splintered the bone, and passed out between the knee and the hip on the inside. His friends pulled him into the room again, and before the proper applications could be administered, great loss of blood prostrated the sufferer exceedingly. About 11 o'clock, the prison surgeon, Dr. Stewart, came, when he determined to amputate the leg, there being no other hope. The operation was performed before the system had rallied from the great nervous shock sustained, and the loss of blood being severe, the patient expired within an hour of the amputation. Chloroform was administered. The fifty dollars were found in the young man's pocket, wrapped up for the sentry; and written on the paper containing the money was the sentence: "This is the money I promised you." The bribery was clearly proven, the deliberation attending the attempt to murder was apparent, and proof that the sentry called him was ready, and yet the authorities did not even punish the guilty sentinel, but actually put the villain on guard afterward. The same sentinel deserted, and was brought back in November to the Old Capitol, a prisoner. He was one of the most villanous-looking human beings that ever had the face and head of a man.

It frequently happened that prisoners would be brought in at night. When this was the case, the scene presented to the new comer's vision was anything but prepossessing. Let

the introduction be in No. 16, for the purpose of giving the reader some idea of the scenes presented to the prisoner's view. After passing through the ordeal of an examination of baggage, etc., (if he was so fortunate as to have any,) in the "Captain's office," he would be accompanied up stairs to 16, by probably a Sergeant, or Corporal of the guard, or possibly by a Lieutenant. The door of the room was unlocked by the sentinel or guard, and the light of a candle, carried by the officer, revealed to the inquisitive eye of the prisoner his future quarters, containing, say, twenty persons. To the right as he entered were three or four shakedowns on the floor, each one occupied by a sleeper. To his left, and a little farther on, and with just space enough to walk carefully between the sleepers, were two or three more of the victims. On tables in the centre of the room were two others. These tables were used in the daytime for eating on and playing cards. At night, a couple of straw ticks were laid on them, and they were used by some of the prisoners as beds. Just beyond were the beds on the floor. Every foot, almost, of the floor was occupied in that way, while most of the bunks, of which there were twenty-one, were empty.

The officer would then hunt round, with the aid of Commissary Brown, or his assistant Charley, until he found a place for the new comer to lie down, when he would leave him to undergo a cross-examination by some of the sleepers, who had been waked by the noise and confusion, and who would proceed to put to him such queries as the following: "Stranger, it is the custom of this place to inquire of every new comer his name, place of residence, and for what he was sent here. In accordance with this custom, although you may think the inquiry impertinent, I now ask your name."

Stranger gives his name.

"Will you now please to tell us where you are from?"

Stranger complies.

"The next question we have to put, and to which we request an answer, is, what have you done? or what are you accused of having done?

This was generally a poser, as not one in a hundred knew what the charge was upon which he had been arrested. So some explanation was given, which generally led to such a conversation between the new comer and the other prisoners, as enabled them to form a pretty accurate opinion of the character of their new associate.

There are but few circumstances in life, in which men could be placed, where their character could be sooner estimated, and properly appreciated, than in the Old Capitol. Nature in man had more of its influence in such a place than when he was at liberty, his good and ill qualities becoming apparent at once; and it was seldom that a proper estimate was not made of a man in No. 16, on his first introduction. The stranger having answered the queries put to him, if by his deportment and manner he had shown himself to be worthy of respect, he was asked if he had had supper? or, if it was in the daytime, after the usual hours of meals, whether he had had breakfast or dinner, as the case might be. If he replied in the negative, Commissary Sheward rummaged his larder, and generally produced some bread and butter, (the latter purchased by the prisoners themselves), and possibly a portion of meat, of which there was generally some on hand, the purchase also of the prisoners, that furnished by the Government being seldom eaten. This, and a general introduction all round, concluded the initiatory ceremonies of a new prisoner to No. 16; and thenceforward, the new comer was treated as a brother victim of the despotism which then reigned in Washington. The new comer was duly informed, if he had only swindled the Government, and especially of a large sum, or run the blockade, or done anything else contrary to law which resulted in putting money in his pocket, he was all right, and would soon be released—a part of the money he had made would do it; but if he had dared to think and say that his country's liberties were in danger, then God help him. Three months, at least, would not expiate his crime

"Shun sycophants of all denominations,
All clever fellows with the mark of danger;
.
Shut close your soul to all, and be alone."

The Administration, not content with having deprived its victims of their rights, and with holding them writhing in its tyrannical grasp, established a system of espionage over them. This was done by means of detectives, who ostensibly appeared among the other prisoners, as prisoners of state. One of these detectives, it was understood, indeed, one of the officers of the prison so stated, was in every room of the prison, and that no word could escape his hearing, and no act his observation. Lieutenant Miller, who appeared to be, for a time, the principal officer of the Old Capitol, next to Superintendent Wood, made a boast, that there was nothing said or done in any room of the prisons that he was not aware of. This was, to some extent at least, true; but in spite of the espionage of these detectives, the prisoners would and did have communication with each other, and once in a while with friends.

It is unnecessary to enter into a description of a guard-house. It is sufficient to say that it was a place of punishment for drunken and refractory soldiers. It was used in the Old Capitol for other purposes. A Confederate captain was placed in the guard-house, contrary to the rules of war, by Lieutenant Miller, who was in command of the guard at the time. This was in September, 1862. But it was not prisoners of war alone, who were subjected to the indignity of the guard-house. Prisoners of state, and other Federal prisoners, were subjected to this punishment on the most frivolous grounds.

A Mr. Hopkins, of Washington City, who was arrested and sent to the Old Capitol for selling liquors contrary to the orders of Military Governor Wadsworth and Provost Marshal Doster, was sent to the guard-house under the following circumstances: Mr. Hopkins asked and obtained permission to send for some brandy for his own use. The permission

was granted, with the condition that he would place the liquor in charge of the hospital steward, which condition he complied with.

On the following morning, after receiving his liquor, he went, according to agreement, to get a portion of it, when he was informed by the steward that Lieutenant Miller had, during the night, taken the liquor away, adding that the Lieutenant had some brother officers for company, and as he presumed Mr. Hopkins's liquor to be of good quality, he made free to take it. As might be supposed, this information was not very welcome, or pleasing intelligence to Mr. Hopkins, who left the hospital immediately to return to his room. On the way through the yard, he fell in with Lieutenant Miller, who bid Hopkins good morning very cordially and familiarly. "Good morning, Lieutenant," returned Hopkins, who by this time had recovered his usual good humor. A few more words passed between them, when Hopkins ventured in the most familiar tone to remind the Lieutenant that he had purloined his liquor, and spoke of his disappointment. It was not said reproachfully, for Hopkins cared but little about it, as he would have given it freely if asked, but as one familiar and even friendly with another might intimate. Lieutenant Miller took the matter in another light, however, and seized Mr. Hopkins by the collar in the most ruffianly manner, dragged him to the guard-house, and kept him there in filth and without food until the next day. Every person in the building was indignant at this outrage, and it would not have taken much provocation to have incited them to resist it.

Sundays were observed by refraining from the usual amusements which occupied the time and attention of the prisoners on other days. On one occasion, (Sunday,) Mr. V. R. Jackson, a resident of Washington, was looking through the window in No. 16, when some acquaintances of his chanced to ride by in a barouche. They recognized each other—they by bowing to him, and he by touching his hat to them.

One of the guard, who was on the *qui vive* to observe the

gestures of the passers-by, ordered the gentlemen in the barouche to halt, which they, of course, did, not wishing to have a bullet shot into it, which would have been the inevitable consequence of noncompliance with the order. The party was compelled to alight from the vehicle, and enter the prison, when they, no doubt, to exculpate themselves, informed Lieutenant Miller that they had only bowed in return to a salute from their friend, Mr. Jackson. Lieutenant Miller started up stairs immediately, accompanied by a corporal. He inquired who it was that had made a sign of recognition to those gentlemen who had just been arrested by the guard. No one answered at first; when he directed his inquiry to Mr. Jackson, asking that gentleman if his name was not Jackson, and if he was not a clerk in the Post-Office. Mr. Jackson replied in the affirmative. The Lieutenant then asked him if he had not taken his hat off to the gentlemen in the barouche. Jackson replied that he was not certain that he had done that, but admitted that he had touched his hat to the gentlemen, they being acquaintances and friends of his, and he was not aware that it was forbidden. "Take him to the guard-house," commanded Miller to the corporal, and Jackson was seized suddenly by the corporal, and detained until bedtime, and would probably have been kept there all night, had it not been for the solicitations of his fellow-prisoners and the interposition of the Superintendent.

Frank P. Blair, Jr., a son of General Frank P. Blair, Jr., of Missouri, was put in the guard-house for going into the room next to No. 16, and was sent there another time for making a little more noise than Lieutenant Miller thought it right for a prisoner to do. It was small business for Lieutenant Miller to outrage the "private and hallowed" feelings of gentlemen who happened to be placed in his power, by placing them in the guard-house for bowing to a friend on the streets of Washington through the barred windows of the Old Capitol. Petty tyranny, exercised by a shoulder-strapped official, was never better exemplified than it was in several instances in this prison, where, beside the cases re-

ferred to above, two insane men (one, a man formerly well known in New York in connection with the anti-rent excitement, by the name of Burrell,) were repeatedly placed in the guard-house, not to prevent them from doing mischief, but as a punishment for some trifling offence.

Burrell, better known in the prison as General Thunderbolt, imagined himself to be the person designated by Providence to command the Federal Army, and lead it to victory. Under the influence of this hallucination he had sought an interview with President Lincoln, at his country residence, the Soldiers' Home, and being taken into custody by some one, the President and his friends took it into their frightened heads that Burrell was an assassin, and so the poor lunatic was sent down to the Old Capitol. It appeared that he had been to Richmond, which circumstance gave color to the accusation of evil designs upon the President.

Whenever Burrell happened to be in the yard at recreation time, he was the centre of attraction. Insane as he was, he was as caustic in his sarcasms and witty in repartee as if his intellect were perfectly sound.

One day, Lieutenant Miller inquired of him what he thought of the Rebel soldiers in comparison with those of the Federal Army. Said Miller: "Don't you think, General, that you could whip them Rebels yourself?"

"Yes," said General Thunderbolt, "of course I could! But I'll tell you what, Lieutenant, if the Federal Army were all like you, one Rebel could whip every five of you."

Of course this disparaging compliment, albeit applied by a crazy man, could not be brooked with impunity. So the poor "General" was sent to the guard-house.

There was another crazy fellow, an Irishman in appearance, who any one might see at a glance was insane. He was an inoffensive creature, yet this poor demented fellow and Thunderbolt were oftener in the guard-house, than any other prisoners in the establishment. It was purely an exercise of brute tyranny to send either of them to such a place.

The prisoners generally in the Old Capitol were permitted

to spend a half-hour at each mealtime in the yard, or rather so much of that time as was not occupied in eating. The prisoners who took their meals in their room could so arrange the time of eating as to take the whole half-hour allowed in the yard in recreation: most of the time, however, there was no room in it to indulge in any exercise. It was full of tents and prisoners, both Federal and Confederate, so that all the recreation which could be indulged in, was for them to gather in a crowd, and elbow their way through the throng. Even that was made disagreeable to them by being dogged by the detectives and spies, who were ever on the alert to listen to their conversation and watch their actions. No sooner would a few prisoners stand in a group to converse with each other, than one of these detectives, pretending to be a prisoner like the others, would approach, and manifest the greatest possible interest in the subject of the conversation. If it happened to be on the affairs of the Government, or the state of the country, or the outrageous course of the Administration, as their conversations often were, then the spies became trebly interested.

They were sure to put in a word which was calculated to draw out others. Sometimes one would forget for the moment that he was a prisoner, and feeling as an American freeman, would give such expression to his emotions and convictions as would thrill his audience, and load the detective with valuable information for headquarters. Of course, every conversation of that kind was carefully noted, and those who had participated in it were more vigilantly observed. During the month of October, and up to the 22d of November, 1862, (when the discharge of the political prisoners occurred,) the yard was comparatively clear of rubbish, so that the prisoners had, during the half-hour of time allowed them, an opportunity to exercise. This they did generally in pairs, one object of which was to avoid the detectives.

In this way, the prisoners, who were well acquainted with each other, would take what was called their recreation. Those who were not so fortunate as to have acquaintances,

fell of course into the hands of the detectives, who through them found out what they could of those whom they could not so familiarly approach. About the latter end of October, several balls and chains were placed in the yard. Their appearance was regarded, by most of the prisoners, as significant, nothing of the kind having been there before. For some days, no one ventured near these instruments of punishment, their very appearance in such a place being so suggestive of disagreeable emotions, as to keep off the most reckless. At length, however, some of the younger prisoners ventured to approach and handle them, and soon after they were used by the crowd for gymnastic exercise. The yard recreation, though monotonous, had nevertheless some variety, as there was something new occurring every day. Often, during the time of recreation, new prisoners were brought in. The whole crowd would gather round the stranger to learn the news, and for the time being the scene would be quite animated. If the new comers happened, as was often the case, to be prisoners of war, more reliable information was obtained from them of the result of the battles in which they participated, than the news agent was allowed to publish.

The amusements of the prison proper were but few and simple. Most of the prisoners played cards all day long, and until roll-call, at nine o'clock at night. The favorite game was bluff, or poker, and the stakes or chips were one-cent pieces. It was as amusing to a looker-on to see with what earnestness and feeling the game was played, as it was to the players themselves. They would have had nothing to keep them from thinking of the outrages to which they were subjected, had it not been for card-playing. Whoever invented cards, no matter how much they have been the means of doing mischief, contributed to the gratification of his fellow-beings in no small degree. And that there is amusement in them for the most enlightened and cultivated intellect, as there is for the simplest and most ignorant of mankind, cannot be questioned.

L-E-T-T-E-R-S! Once a day, the Superintendent, or, in his

absence, Lieutenant Miller, called at the rooms of the prison for letters. When the Superintendent came round, every one crowded about him, each urging some request or other. One, that a letter might be allowed to reach his wife; another, that his might be sent, for certain, to his mother; and so on through the whole number. The Superintendent invariably did his best to have the prisoners' letters passed through the hands of the Provost Marshal, or Judge Advocate, as the case might be. Every letter written by the prisoners was handed to the Superintendent or his deputy, indorsed, except letters to high officials, which might be sealed. The letters were examined in the prison, and by some one in the office of the Marshal, or the Judge Advocate, so that it depended on the caprice of those officials, or of their clerks, whether any letter should ever reach its destination or not. Of course, many letters, of the greatest importance to the prisoners and their families, never reached the Post Office; and it was more by the attention and favor of Superintendent Wood that letters ever reached their destination, than it was from the attention given to them by any other person connected with the Government. Hence it was no wonder that the prisoners looked more to the Superintendent, than to any one else, for the favor, yes, *the favor*, of having their letters sent to their families. Enter, reader, one of the Old Capitol Prison rooms, in imagination, when the Superintendent called for "letters," announcing his presence for the purpose of being the bearer of messages, which told mothers, wives, and children at home, how fared the son, husband, or father, in the BASTILE. No sooner would Mr. Wood enter the room than a rush would be made for him, by from half a dozen to twenty persons, each one eager to have the first chance to impress him with the importance of what he wanted to communicate, and to appeal to his feelings, as a man, in behalf of the missive he held in his hand. "Now, Wood, I am sure my letters have not reached home," one would urge in a voice modulated to earnest pathos, "or if they have been sent, their letters to me have been suppressed. Won't you

see whether there are any letters for me at the Provost Marshal's office?" As likely as not the Superintendent would reply: "There are several letters for you at the office of the Provost Marshal, but they are not examined: some of the Miss Nancy clerks up there have become so important, in their own estimation, since they have got into the position of examining letters, that they 'take on airs,' and do as they please. I cannot help it if your letters are not forwarded, or if letters do not reach you." "We know that, Mr. Wood," several voices would exclaim in concert. "But," one would continue, "it is hard to be deprived of the privilege of hearing from home; and it is equally an outrage to our families to be allowed no opportunity to hear from us while we are confined in a place like this." "I know it is hard,' would be the admission of the Superintendent; "but you fellows had no business to be *Locofocos*." This, of course, would be said in a jest, so far as the Superintendent was concerned, but it was no joke for the prisoners. Their crime was truly that they were what Mr. Wood had called them—"*Locofocos*'—and for that they were kidnapped and imprisoned, and deprived of the privilege of hearing from their families, except at the caprice of "Miss Nancy" clerks in the office of the Provost Marshal, at Washington. "Wood, here is a letter—a very short one—containing nothing but to say that I am well: cannot this be sent to my wife, without its being subject to the risk of being destroyed, in the office of the Provost Marshal?" Such would often be the appeal of a prisoner. Mr. Wood's reply would be as follows: "I cannot send any letters for you, except through the Provost Marshal, or Judge Advocate Turner; but I will do my best to have your letter examined and passed."

"Here is a business letter, Wood," another prisoner would urge. "It is of the most vital importance to me and my family, that it should reach its address as soon as possible: why cannot it be sent immediately?" "That I cannot answer," would be the reply of the Superintendent. "I am here to carry out the orders of the Government, and not to do my

own will. The Government, or rather the officers of the Government, have their own way of doing things, and I must either obey their orders, or give up my place." "We would all be sorry that you did that," would be the sincere declaration of the prisoners. "If you were not here Wood, we should not receive one in ten of our letters, nor would our friends know whether we were dead or alive."

The very first letter sent out by one of the prisoners, called forth the following decree:

"HEADQUARTERS PROVOST MARSHAL'S OFFICE,
"Washington, D. C., 1862.

"Nothing but family and business letters are allowed to pass.
W. V. C. MURPHY."

This signature had something affixed to it, of which no one could make any sense, but it was probably designed to show that *this* Murphy was a person of authority. Whether he was or was not, it is very certain that he assumed a great deal in opening letters and papers, and throwing them aside or destroying them, if they contained anything which he deemed objectionable to his masters. Shortly after this, the same prisoner was served with a notice to the effect that, if his wife did not write her name in full, her letters would be suppressed.

Scenes, similar to those described between the Superintendent and the prisoners, were of daily occurrence.

Immediately after the battles fought in the vicinity of Washington, in August, 1862, the city was placed under martial law. The sale of liquor was prohibited by the Military Governor, under penalty of confiscation. Here was a favorable opportunity for the detectives of the War Department to ply their vocation, and make a harvest. The plan of operation mapped out was for some one of the number, who was best acquainted with a liquor-dealer or saloon-keeper, marked as a victim, to go and procure from him, if possible, something to drink. If successful in the application, no matter whether on the score of old acquaintance, familiarity,

friendship, information was to be filed forthwith before the Provost Marshal, and then the liquors would be seized. This programme was carried into effect, and most, if not all the liquors seized, were placed under the control of the Provost Marshal, better known as Detective Baker. Some time after the promulgation of this military order, a Mr. Spahr was arrested in Washington City. He suggested to the officer, a detective who had him in custody, that it would not be amiss for them to go and get something to drink, before he was taken to the Old Capitol, as it was not likely that while there he would be allowed to indulge in that way. The officer thought the suggestion a good one, and consented to the proposal. Spahr, not wishing to be the means of acquainting the detective with any of the places known to him, where the military order respecting the sale of liquors was violated, suggested that the officer indicate a place where they could be accommodated, with which suggestion the officer complied very cheerfully. The two went to find a place of refreshment, and, to the surprise and amusement of Mr. Spahr, he was taken into a room back of Provost Marshal Baker's office, where there was a bar in full blast, well supplied with liquors, which, by the way, as Spahr ascertained, had been confiscated from the saloon-keepers in Washington, who had violated the order of Military Governor Wadsworth. Mr. Spahr paid the reckoning at the Provost Marshal's bar, and went to the Old Capitol, full of meditations on the system of government introduced by Mr. Lincoln.

An investigation into the detective business of the War Department would reveal such flagitious violations of law decency, and personal rights, and such corrupt and outrageous practices, having for their sole object the gratification of the lust of avarice, if not the lust of the flesh, as would place the Government, as administered under Abraham Lincoln, in disparaging comparison with the most unprincipled of any nation, extant or extinct.

J. W. PACKARD.

J. W. PACKARD was born in North Bridgewater, Massachusetts, in 1833. He resided in Philadelphia from 1858 until 1860, when he went to Richmond, Virginia, and was engaged as a manufacturer of sewing-machine needles.

On the 17th of September, 1862, he received permission to return North. Before he left, however, he was arrested by the city authorities as a "suspicious character," but after an examination, was discharged. The Confederate Government, at the time he left, issued passes to aliens only, unless it was shown that the person wishing to leave would do nothing detrimental to the "cause" of the South.

Through the influence of some Confederate officials he succeeded in obtaining a permit to pass through the lines, and immediately availed himself of the opportunity to leave the Confederacy.

On the way to his home, he stopped in Philadelphia, and while there, was arrested by Detective Benjamin Franklin. He was deprived of his money, valuables, and clothing, and incarcerated in Moyamensing Prison. He was not informed why he had been arrested, nor permitted to see any of his friends.

The jailer (Money) brought a member of the Philadelphia bar to see him. He represented that he could, with a writ of *habeas corpus*, obtain his release, as he was a Republican; and thought that if the case came into court, he, the prisoner, would be discharged, as there was nothing against him sufficient to justify his confinement.

Mr. Packard told him that if he would get him out, he would willingly give him fifty dollars for his services; but if he calculated to impose upon him, he would stay there

until his friends worked up his case, and obtained his release. This was on the second day of his confinement; and the attorney, at the close of the conversation detailed above, agreed to find out the charges against him, and meet him the next morning. Shortly after this interview, Detective Franklin, with an assistant, appeared at the prison, and informed him that he was to go to Fort Lafayette, and ordered him to get ready at once. This was easily done, as the detective was in possession of his travelling bags containing his clothing.

Arriving in New York, he was again incarcerated over night, in one of the city prisons, and the following day removed to Fort Lafayette, where he was kindly greeted by the occupants, who did all that gentlemen could to alleviate the burden of his imprisonment.

The second day of his confinement he was taken sick, and sent for the surgeon in charge of the Fort, but he had no time or inclination to attend him. One of his room-mates suggested to him to request the services of a medical gentleman who was in the same casemate. This gentleman attended him faithfully, and relieved him of his sickness.

After being immured for ten days, an order came for his release. On applying for his money in Philadelphia, he was told a bill must be paid before it could be restored to him. Mr. Packard, knowing of no services rendered him, demanded to see the bill, and was shown one of three hundred dollars. After some disputation, two hundred and fifty dollars in gold was retained. Another *bill for two days' board at Moyamensing Prison* was presented him, which he paid, at the rate of four dollars per diem. There was no cause assigned for his arrest, and he certainly never did anything to justify it. Mr. Packard now resides at Bridgewater, Massachusetts, and is still a manufacturer of sewing-machine needles.

CHARLES MACGILL, M.D.

DR. CHARLES MACGILL is a native of the city of Baltimore, and came of distinguished ancestry. His grandfather on the maternal side was Thomas Jennings, who filled the position of King's Attorney under the Colonial Government of Maryland. His great-grandfather on the paternal side was the Rev. James Macgill, from Perth, Scotland, who settled in Maryland in 1728, and was the first Rector of Queen Caroline Parish, Elkridge, Anne Arundel County, Maryland. Charles Macgill, the subject of this sketch, was educated at the old Baltimore College, Samuel Knox and Gerandine, Professors: the wife and daughter of the latter lost their lives by the burning of the Marshall Theatre, Richmond, Virginia, in 1811, an event still remembered by many.

Completing his collegiate studies in 1823, he entered the office of Dr. Charles G. Worthington, of Elkridge, Maryland, where he remained two years, and acquired much knowledge in medicine and surgery by association with that noted *savant*. Subsequently he became a student of the Baltimore Hospital, in charge of Dr. Collin Mackenzie, Sen., and the private student of Dr. John B. Davidge, founder of the University of Maryland, and its first Proctor. Young Macgill graduated with high honors in the University of Maryland, in 1828. He at once entered upon the practice of his profession at Hagerstown, Maryland, in connection with his brother, Dr. William D. Macgill. This association continued up to the fall of 1828, when he removed to Martinsburg, Virginia. In 1829, he was united in marriage to the daughter of Richard Ragan, Esq., of Hagerstown, Maryland. His brother William dying in 1833, he settled permanently in Hagerstown, where his many accomplishments of head and

heart won for him high position as a leading citizen. He led or assisted in many public undertakings. He assisted in establishing the "Hagerstown Mail," in 1828, and subsequently that of the "Martinsburg Republican." He was appointed by President Van Buren a Visitor to West Point, in 1839, and was, in 1840, a State Elector on the ticket of Martin Van Buren, in the Presidential contest of that year He was appointed by Governor Philip Francis Thomas, Lieutenant-Colonel of the 24th Regiment, Maryland Militia, and upon the death of Colonel Robertson, then commanding, Governor Thomas G. Pratt commissioned him Colonel. His rank was afterward raised by Governor Ligon to that of Major-General of the Maryland Militia, Fourth Division. For several years, Dr. Macgill resided quietly at Hagerstown, devoting his time and talents to his increasing practice, and the care and education of a large family.

In 1861, when the war broke out, Major Swan, a gallant son-in-law of Dr. Macgill, left for Virginia. His movement caused the family to be suspected. Each male member of it was constantly under the *surveillance* of Federal spies, and numerous indignities were offered their persons and property. Up to this time, Dr. Macgill had returned good for evil. In 1861, when General Patterson's army was encamped at Hagerstown, and some of his soldiers were injured by an accident, the Doctor attended them in a surgical capacity, and exerted his skill for their relief. At the same time, his residence was entered and searched, his private papers and correspondence violated, the bureaus and trunks of his wife and daughters broken open, and the sanctity of his home generally invaded, without warrant or authority. Notwithstanding these outrages upon an honorable gentleman and his family, a short time afterward, when General Patterson advanced into Virginia, leaving many of his sick in hospital at the Female Academy in Hagerstown, he requested Dr. Macgill to attend them, a request with which the Doctor readily complied, daily ministering to their necessities.

About this time, Colonel Ely, of Harrisburg, Pennsylvania,

was captured in Virginia. A few days after the departure of Patterson's army, the Doctor was coming out of a house where he had been visiting a patient, when he was surrounded by a squad of soldiers, the Captain of which said he had orders to arrest him as a hostage for Colonel Ely, to be held until that officer should be given up by the "Rebels." The Doctor, with a good deal of *hauteur* and composure, remarked: "Why, gentlemen, I am a Major-General; you cannot take and hold me for a Colonel." He was soon released. General Patterson returned from Virginia to Maryland, and on the evening of the 30th of September, 1861, Macgill was at home with his family, when the rattling of sabres and the tramp of soldiers were heard.

In a moment, a squad of soldiers entered his house, filed into the parlor, and stood in the presence of the man the military authorities professed to fear "more than any other in the State of Maryland." Said the leader of the squad: "Dr. Macgill, you are my prisoner." "By whose order?" inquired the Doctor. The reply was: "By order of Colonel Kenly, who has instructions from the Secretary of State." The following is a copy of the order:

(Indorsed.)

"Governor Seward, confidential letter. Rec'd Sept. 28th. Ans. Sept. 29th. Orders given to Colonel Kenly, Williamsport, Sept 29th."

(Copy.)

"DEPARTMENT OF STATE,
Washington, September 21, 1861.

"Major-General N. P. BANKS, Darnestown, Md.:

"*General:* If you can arrest Dr. Charles McGill, of Hagerstown, Maryland, or cause him to be arrested and sent to Fort McHenry, to be thence conveyed to Fort Lafayette, let it be done.

"I am, very respectfully, your obedient servant,

(Signed) WILLIAM H. SEWARD."

(Indorsed.)

"Colonel Kenly, on the arrest of Dr. Macgill, answered Oct. 3d, same day of its receipt."

(Copy.)

"HEADQUARTERS, WILLIAMSPORT,
September 30, 1861.

'Major-General N. P. BANKS, Commanding Division:

"*General:* Dr. Macgill is now a prisoner in my camp. If one man can be dangerous, he is the man. I shall send him direct to Fort McHenry by Captain Waltemeyer, of my regiment. He will be there to-morrow night.

.

"With the highest regard,

"JOHN R. KENLY, Col. 1st Md. Reg't."

The within-named *Waltemeyer*, who carried out this order, had been tried and convicted in the Baltimore County Criminal Court *for whipping a woman, afterward pardoned and commissioned by Governor Hicks.*

Mr. Seward's "little bell" had been touched again, and Dr. Charles Macgill was the victim this time. A detailed squad of eighty-five Pennsylvania Home Guards, under the command of one Captain Saul, surrounded his house.

The Doctor accepted the situation, recognized himself a prisoner of state, and prepared to accompany his captors. His wife being ill up stairs, he asked permission to visit and bid her farewell. Not supposing that such a humane request would be denied him, he had started on his way when the command was given to "stop him." A number of privates now advanced to seize the prisoner, when he turned upon them and dashed two of them down the stairway. This provoked a desperate struggle. Dr. Charles Macgill, Jr., now came to the assistance of his father. Miss Macgill, a daughter, who had just returned from riding, and was equipped in a riding habit, and carried in her hand an ivory-headed riding-whip, came to the rescue and bravely defended her brother, who had received a sabre-cut in the neck. *At this juncture the soldiers drew their sabres and revolvers* on Miss Macgill, and but for the timely interference of Captain Saul, the consequences might have been not only serious but tragical. The Captain ordered the arrest of both father and son, and they were carried

away to Camp Banks, near Williamsport. Saul reported with his prisoners to Colonel Kenly, commanding, who, swelling with importance, ordered the release of the son, as his arrest was not contemplated in the order. Dr. Macgill was then quartered in a tent which was guarded, the guards keeping a light burning all night.

The next morning he was placed in an army wagon and taken back to Hagerstown. The military must have feared an attempt at rescue, for the road for six miles was lined with blue uniforms, and extra precautions taken against a dash from the "Rebels" of Hagerstown and Washington County. At Hagerstown, the distinguished state prisoner was received by another body of soldiery, and being placed on the cars, was taken to Chambersburg, and thence to Baltimore. At Baltimore, a company of soldiers was in waiting at the depot, the phantom of a Rebel rescue having likewise disturbed the imagination of the military commanders at that place. A coach was in waiting also, and Dr. Macgill, being hastily hustled into a seat with the guards, was driven off to Fort McHenry.

Here he was confined in a cell next to that occupied by "Garrona" Thomas, and Messrs. Glenn and Johnson, of Baltimore.

Colonel Morris, the commandant of the Fort, refused to permit his new prisoner to dine with these gentlemen, but left him in solitary confinement. He permitted his friends to visit him, however, and he was treated kindly. The commandant was by nature and education austere, and a stickler for rules and discipline. After five days' imprisonment in Fort McHenry, the steamer from Annapolis, with the Hatteras prisoners, touched at the Fort, and he was booked for Fort Hamilton, New York Harbor, and thence was transferred to Fort Lafayette, where he found congenial companionship in the company of many other state prisoners from Maryland, other States of the United States, and the then Confederate States. Lieutenant Wood, the officer in command at Fort Lafayette, was one of those who held his ap-

pointment through the favor of Mrs. Lincoln, the "Rosy Empress" of the White House. He had shown her and her family great attention on the occasion of the memorable trip from Harrisburg to Washington, before the inauguration of Lincoln, and he received his reward in the appointment to the command of a Government Bastile. Wood was a man of cruel heart, low instincts, and despicably mean principles. About the last of October, 1861, the Hatteras officers and state prisoners, including Dr. Macgill, Commander Barron, and others, were transported from Fort Lafayette to Fort Warren.

The steamer "State of Maine," on board of which the prisoners were shipped, was not seaworthy, having been pronounced so by Captain Berry, of the steamer Columbia. For the eleven hundred men on board, the provisions were insufficient in quantity, and were unwholesome in quality. They consisted of rancid pork, hardtack, and salt meat. When well at sea, a plot was entered into among the prisoners to rise upon the guard, overpower them, together with the officers and crew, take possession of the steamer, and run her into Halifax. No doubt was entertained about the success of the seizure; but when it was considered among the leaders, Dr. Macgill included, that the vessel was unseaworthy, that she was neither coaled nor provisioned for such a voyage, the "State of Maine" proceeded to her original destination, Fort Warren, in Boston Harbor, her officers none the wiser of her contemplated change of course and commanders.

Colonel Dimick commanded at Fort Warren. He was a humane gentleman, and a great favorite with all the prisoners. He was taken by surprise, and was totally unprepared for the accommodation or entertainment of the large number of additional guests so unceremoniously thrust upon his hospitality by the United States Government. The consequence was, the prisoners were shut up on board the "State of Maine" until late the next day. In the mean time preparations having been made in the Fort, they were landed. The Doctor was quartered in a lower casemate, without windows,

and though he was repeatedly offered better quarters by Colonel Dimick, he refused to vacate this dreary cell, for fear he might incommode some poor sickly fellow, he being hale and in excellent health. His cell-mates were Dr. Jeffreys, of Norfolk, Dr. Lindsay, Dr. Page, Thomas W. Hall of Baltimore, Wyatt, and others, all of them most companionable gentlemen.

At this period there existed a great deal of sickness, especially among the Southern prisoners, and through the kindness of Colonel Dimick, Dr. Macgill was permitted, at the request of the sick, to take charge of their cases, the post supplying the medicine. Prison life is monotonous at best, and employment brings relief to mind and body. Dr. Macgill entered upon the duties with devotedness and alacrity. He did not wait to be summoned to the cot of the sick, but went the rounds of the sick-ward both day and night. His extensive knowledge of medicine made him a general favorite, and he was frequently called in by the post physician for consultation, particularly in dangerous cases.

At Fort Lafayette the Doctor was offered his release, and the largest liberty, upon the single condition of his taking the oath, but it was declined. At Fort Warren the same offer was renewed, and refused, as before, only more emphatically. When his imprisonment at Fort Warren had lengthened into the eighth or ninth month, Judge Pierpont and General Dix paid a visit to the Fort. Dix magnanimously informed Macgill he could leave upon giving his parole of honor, whereupon the General was informed by the unyielding prisoner of state, that he would neither degrade himself in his own estimation, nor disgrace his record in the eyes of his people. He was a Southern man, was born such, and as such he preferred to die without a stain upon his soul in the next world, or his memory in this. This Roman firmness and adhesion to principle astonished Dix, who indulged in some apologetic remarks concerning the course of the Government. "There is nothing against you, Doctor, it is

true," he continued, "but you have been arrested, and are now held by the Government, and as this has engendered some hard feelings, perhaps, we must hold you still." It was upon the occasion of this interview that the Doctor discovered upon whose accusation he had been arrested. It was upon the oath of three men, John Schleigh, Postmaster at Hagerstown, appointed by Lincoln as a reward for the betrayal of his neighbors, John Cook, a blacksmith, and one Robinson, a shoemaker. This was the first knowledge the Doctor had received as to who were his accusers, or to whom he was indebted for his fourteen months' enforced sojourn in Forts Lafayette and Warren.

Meanwhile, Dr. Macgill continued his philanthropic work at Fort Warren, in the visitation and treatment of the sick, with the most gratifying results. On the occasion of a large body of exchanged officers leaving the Fort, they drew up and placed in the hands of the Doctor a most honorable testimonial, recognizing in affecting terms his worth, skill, and kindness. This testimonial, engrossed on broad parchment, was signed by every officer who experienced medical treatment at his hands. This certificate, framed, now hangs in the Doctor's office, and he takes commendable and honest pride in calling to it the attention of visitors. We present the reader with a subjoined copy:

"FORT WARREN, Mass.,
July 31, 1862.

To CHARLES MACGILL, M.D., of Hagerstown, Md., now a Prisoner of State at Fort Warren:

"Your fellow-prisoners, confined with you for many months in this Bastile, have been too often indebted to your professional skill for relief from painful, and, in many cases, most dangerous illness; and in their social intercourse with you have found so much to admire, that they cannot, now on the eve of departure for their beloved country, part without returning thanks and giving expression to their grateful acknowledgments of your disinterested conduct.

"Hoping that you may be speedily restored to the quiet pleasures of your happy home,

"We are your friends.

J. C. Brown, Col. 3d Tenn. Vol.
J. E. Bailey, Col. 49th Tenn. V.
E. W. Gautt, Brig.-Gen., C. S. A.
W. T. Glassell, Lieut., C. S. N.
J. K. Mitchell, Comdt., C. S. N.
A. M. De Brie, Lieut., C. S. N.
H. Meyer, Paymaster, C. S. N.
A. Heinman, Col. 10th Tenn. V.
J. Jackson, Lt.-Col. 27th Ala. V.
R. K. McGavock, Lt.-Col. 11th Tenn. Vol.
Ed. C. Cook, Col. 32d Tenn. V.
Lloyd Tilghman, Brig.-Gen., C. S. A.
W. E. Baldin, Col. 14th Miss. Vol.
W. M. Vorhies, Col. 48th Tenn. Vol.
Alex. I. Brown, Col. 55th Tenn. Vol.
W. L. Lowell, Lieut.-Col. 48th Tenn. Vol.
F. M. Boone, Lieut.-Col. 26th Miss. Vol.
J. M. Wills, Lieut.-Col. 3d Miss. Vol.
S. Baron, Flag Officer, C. S. N.
R. Fargutaison, Col. 41st Tenn. Vol.
A. A. Hughes, Col. 27th Ala. Vol.
J. C. Granberry, 11th Va. Inf.
M. M. Lellard, Col. 26th Tenn. Vol
N. F. Cheairs, Maj. 3d Tenn. Vol.
Jas. I. Odell, Col. 26th Tenn. V.
G. Gautt, Lt.-Col. 9 Tenn. Vol
H. B. Lyon, Lieut.-Col. 8th Ky Vol.
Saml. K. Hays, Q. M., C. S. A
Robt. G. McClure, Lieut.-Col 41st Tenn. Vol.
John Gregg, Col. Texas Vol.
L. J. Clay, C. S. A., Gen. Buckner's Staff.
A. G. Scott, Capt and Q. M. 14th Miss. Vol.
W. L. Doss, Maj. 14th Miss. V.
C. B. Alexander, Col. 2d Mo. S. G.
J. L. Gavin, Maj. 3d Ala. Batt.
F. G. Miller, Maj. 41st Tenn. Vol.
W. F. Singleton, C. S. A., Ky
W. E. Rogers, Maj. 3d Minn. V
R. W. Johnson, Adj. 15th Ark. Vol.
Thelson Youngblood, Lieut. C. S. Navy.
John B. Sloan, Lt. and Adj. S. C. Rifles.
J. Wilkinson, C. S. N.
Jos. W. Boyle, C. S. N.
Thos. H. Handy, Lt. Crescent Art.
Alex. Mack, 3d Louis. Bat.
P. Lynch Lee, Maj. 15th Ark. R. V.
G. Waggoner, Lt.-Col. 10th Lou
W. F. Estip, Capt. 2d Ky. Vols.
H. C. Lockhart, Lt.-Col. 50th Tenn. Vol.

R. H. Simpson, Capt. 17th Va. Infantry.
J. N. Galligher, Priv. Sec. Gen. Buckner.
W. W. Mackall, Brig.-Gen., C. S. A.
J. Turner, Maj. 30th Tenn. Vol.
A. S. Hamilton, Lieut.-Col. 1st Miss. Vol.
S. F. Parker, Maj. 26th Miss. V.
A. Glaiden, Lt.-Col. 18th Tenn. Vol.
H. B. Granberry, Col. Texas V.
J. C. Palmer, Col. 18th Tenn. V.
Edwd. Pendleton, Lieut.-Col. 3d La. Vol.
J. F. Gray, Maj. 48th Tenn. V.
F. A. Lynn, Maj. 49th Tenn. V.
Morton Mayree, Lt.-Col. 17th Va. Vol.
J. Rivers, Maj. 49th Ga. Vol.
L. E. Brook, Paymaster, C. S. N.
A. F. Warley, C. S. N.
S. B. Buckner, Br.-Gen., C. S. A
John McGee, Col. 15th Ark. V.
Beverly Kennow, Lt. Com. C. S. N.
F. M. Harris, C. S. N.
James H. Toombs, C. S. N.
Saml. D. McChesney, Capt. 3d La. Bat.
W. C. Whittle, Jr., Lt. C. S. N.
J. W. Towers, Lt.-Col. 8th Geo. Vol.
T. E. Stake, Lt. 2d Ky. Vols.
Roger W. Hanson, Brig.-Gen. Ky. Vols.
C. B. Robinson.
R. H. Murphy, Lt.-Col. 30th Tenn.
Calvin Jones, Adj. 32d Tenn. Vol.
Louis Slaughter, Lt. 17th Va. Inf.
T. B. Mockall, Lt. and A. D. C

Time wore on, and the Government began to weary of the care and keeping of its state guests. They became national elephants, expensive to keep, and not to be gotten rid of honorably. On the 26th of November, 1862, an order came to release certain of the state prisoners unconditionally, and Dr. Macgill and his Maryland compatriots were among the number restored to liberty.

The following is a list of the discharged prisoners:

Geo. P. Kane,	Geo. Wm. Brown,	Charles Howard,
Frank K. Howard,	Henry M. Carfield,	Wm. G. Harrison,
Robt. Hull,	S. Teakle Wallis,	Chas. Macgill,
Wm. Gatchell,	Thomas H. Hall,	T. Parkin Scott.
Wm. H. Winder,	R. L. Cutter,	

"The above-named persons are released, agreeable to the following telegram.

(Signed) J. DIMICK,
Col. 1st Artillery, Comd'g Post

"'WASHINGTON, Nov. 26, 1862.

"'Col. J. DIMICK, U. S. Army, Fort Warren, Boston:

"'The Secretary of War directs that you release all the Maryland state prisoners, and also any other state prisoner that may be in your custody, and report names to this office.

(Signed) E. D. TOWNSEND,
Assist. Adjt. Gen'l.'

"'True copy. Fort Warren, B. H., Nov. 27, 1862.
J. DIMICK, Col. 1st Art'y, Comd'g Post."

From the Fort, they were forwarded to Boston, and there abandoned by the Government, without transportation to their homes, and very many of them without means. Dr. Macgill was among the more fortunate of the abandoned guests of the Government, turned so unceremoniously outside the hospitable doors of Fort Warren, where, for months, it had been the constant care of the Government to keep him from his family and from his extensive practice. Upon reaching Baltimore, he was welcomed by his friends with an enthusiasm unbounded. He remained in Baltimore a few days, the guest of his hospitable friend, Thomas C. Jenkins, Esq., and then set out for that home from which he had been so ruthlessly dragged fourteen months before. He was met on the road by his old friends, in carriages, who took him from the public stage, and escorted him to his home, where many others were awaiting his arrival.

Here, quietly resuming the practice of medicine and surgery, he remained until General Lee invaded Maryland, in the summer of 1863. His old spirit, unbroken by imprisonment, began to stir the blood of the Macgills again. He felt as if he had been wronged, his rights disregarded, and the Government, to which he looked for protection, had become

his oppressor. His long, unjust imprisonment in American Bastiles had alienated his sympathies and love from a Government for which, before, he would have sacrificed his life. At this auspicious day, when it looked as if Lee had effected a permanent lodgment in Maryland, Dr. Macgill established, at Hagerstown, in that State, a hospital for the sick and wounded, and received into it hundreds of the Confederates, wounded at Gettysburg and the battles in Maryland. He superintended it in person, and his noble example aroused to active duty the whole Southern sympathy of Washington County; the ladies', particularly, whose devotion was beyond all praise. When General Lee was compelled to fall back, and place the Potomac between his army and the enemy, the Doctor knew he could no longer remain in his native State with safety.

Duty also drew him, and he then and there cast his lot with the fortunes of the Southern Confederacy, then passing through the black eclipse of that dreadful slaughter on the heights of Gettysburg. Packing a case of instruments, equipped in his every-day garments, he reported to General Lee, and with him fell back to Virginia. But his instruments were hardly idle an hour, for many days of dreadful agony and suffering to hundreds of wounded. At Williamsport, Martinsburg, or wherever a wounded Confederate was to be found, there was Dr. Macgill, with his lint and bandages, his knife and saw, if necessary. When Lee had taken up his new position, and all danger of pursuit had passed, he went to Richmond and met President Davis, and without any solicitation on his part was appointed by Davis full Surgeon in the Army of Northern Virginia. In the next campaign, that of 1864, Dr. Macgill signally distinguished himself and rendered most efficient service. At the battles of the Wilderness and Spottsylvania he was constantly with the Army of Northern Virginia, and was of invaluable service to them in many respects, unto the end. He surrendered with the remnant of that army at Appomattox Court-house, having contended like a good physician to the

last, that "while there 's life there 's hope." Knowing that he would not be permitted to return to his home in Maryland, unless he asked a pardon, which he would not do, he identified his interests entirely with those of Virginia. He now resides in Richmond with his family, in the enjoyment of a most lucrative and growing practice, and drives in his gig the same gray horse upon whose back he surrendered in April, 1865.

Dr. Macgill is sixty-two years of age, of a *physique* not unlike that of the late General Winfield Scott, broad shoulders, large head, smooth-shaven face, features full and bold in outline, indicative of an iron will and energy, and an intellect of force and method. He has lived what he himself terms a well-ordered and careful life, and as a consequence, his health and vigor at sixty-two is as well preserved as that of the majority of men at forty.

At the same moment when Dix was apologizing for the unjust incarceration of the distinguished state prisoner in Fort Warren, the Government, through other officials, was acting in quite a different manner. His house in Hagerstown, where his wife and daughters resided, was guarded, and no one permitted to enter or leave it without permission. Articles of food were prohibited. Meals prepared by the servants were taken and eaten by the guards, and petty indignities continually offered them. When the army fell back after the battle of Gettysburg, the house was surrounded and taken possession of by Kilpatrick's men, who were looking for the Doctor to hang him, as their officers said. An officer asked his daughter where her father was — at the same time *putting a pistol to her head*, and saying, "*By the gods! woman as you are, I have a mind to blow your brains out.*" She put the pistol aside and said, "When you behave like a gentleman, I will answer you;" and afterward remarked, "The Doctor has gone with Lee's army." But they would not believe it, and so anxious were they to hang him that they took possession of the house again, and held Mrs. Macgill and her daughters prisoners for five weeks. During the time of

their imprisonment, an order was sent them by General "Baldy" Smith to prepare to leave for the South.. The order was not carried out, as Mrs. Macgill and her little son were ill at the time, and a Federal doctor testified that she could not be removed.

Then an order came from him, to take two of her daughters, Mrs. Robert Swan and Alice, across the lines, as the neighbors had sworn that a Federal soldier, who had been killed in front of her house in a fight the day before, had been shot by them from the windows. General Smith afterward gave the names of the informers to a member of Dr. Macgill's family. They were neighbors, and, although members of church, had perjured themselves. Permission was asked of General Smith to allow the daughters to remain twenty-four hours with their mother, but he positively refused. Their trunks were packed and every article examined by one Lieutenant Mullenburg of Smith's staff, afterward Brevet Major of 5th Artillery.

They were taken to Baltimore in charge of a guard, then taken before Colonel Fish, acting Provost Marshal, (who was afterward sent to the Albany Penitentiary.) He treated them in a most insulting manner. Their trunks were examined, and they were confined all night under guard in a filthy garret filled with rats and vermin. The next day they were sent with a guard to Winchester, Virginia. They were obliged to pay all expenses, or their trunks would have been taken from them. Mrs. Macgill's house was searched every day for two weeks by Kilpatrick's men, carpets torn up, locks broken, ostensibly for the purpose of finding arms or flags, (which they never did,) but their real object was pilfering.

The wife of Dr. Charles Macgill, Jr., came from Sheppardstown, Virginia, to visit her mother-in-law, bringing with her a child four years old, and an infant of *six weeks.* They had not been in Hagerstown two hours when a squad of soldiers came to the house and arrested her on the charge, by a neighbor, that she had brought a mail from the South

with her. She was torn from her children, put into a buggy with a soldier, and sent to Harper's Ferry, where she arrived late at night. She was then taken before General Sullivan, who, when he heard her statement, was shocked at such cruelty, and sent her back to her children the next morning, in an ambulance, with one of his staff. But the persecutions of Mrs. Macgill had not yet ceased.

In 1864, a squad of soldiers entered her house, with an *order from the Secretary of War*, ordering her and her daughters to leave their house, giving them twenty minutes to collect some clothing. When they were preparing to depart, one of the soldiers was observed filling his pockets with SPOONS, which her daughter took from him. The soldiers kept possession of the house several weeks, stole many valuable things, and Mrs. Macgill only succeeded in getting them back through the influence of a Union friend and Francis Thomas, a member of Congress from that district. Such were some of the persecutions to which Dr. Charles Macgill and his family were subjected. Envy, malice, cruelty, and rapine were at the bottom of it all. While he was ministering to the wants of the Federal army, the Federal Government was laying its oppressive hands upon him and his family, until, finally, more despotic than the King of Dahomey, it drove them from the land of their birth.

GENERAL GEORGE W. JONES.

THE following sketch of General George W. Jones we extract from Lanman's "History of Congress," of 1859: "Jones, George W., born at Vincennes, Indiana, and graduated at Transylvania University, Kentucky, in 1825. He was bred to the law, but ill health prevented him from practising. He was Clerk of the United States District Court in Missouri in 1826; served as an aide-de-camp to General Henry Dodge in the Black Hawk war; was chosen Colonel of Militia in 1832, subsequently Major-General — also as Judge. In 1835 was elected Delegate to Congress from the Territory of Michigan, and served four years. In 1839 was appointed by President Van Buren Surveyor General of the Northwest — was removed in 1841, on account of his politics, but re-appointed by President Polk, and remained in the office until 1849. In 1848 he was elected an United States Senator from Iowa for six years, and re-elected in 1852, and is now Chairman of the Committee on Pensions, and on Enrolled Bills, and a member of the Committee on Territories." General Jones's term of service, as Senator, expired on the 4th of March, 1859.

When his old political and personal friend, President Buchanan, with whom, as Delegate and Senator, he had served for several years in Congress, unknown to him, or to any friend, save the members of his Cabinet, nominated him to the Senate as United States Minister Resident at Bogota, the nomination, at the instance of Senators Harlin and Grimes, of Iowa, political opponents, was unanimously confirmed, without a reference to the Committee on Foreign Relations, as is usual, the rules of the Senate having been unanimously suspended for the purpose.

General Jones, being informed of the high compliment paid him by the Administration and the Senate, immediately declined an acceptance of the same. But on his return home to Dubuque, Iowa, he was induced by his family and friends (his physicians at Washington City and Dubuque concurring therein, as a means of restoring his health,) to signify to the President that he would recall his letter declining the honorable position, if agreeable to that officer.

Mr. Buchanan, believing that the General would regret his refusal to accept the position, purposely refused to make any other appointment, though often and earnestly urged to do so, by applicants for the mission. He directed General Cass, the Secretary of State, to notify General Jones of his re-appointment, requesting him at the same time to return to Washington for his instructions, and to proceed to the Legation at Bogota, which he very promptly did. Sailing from New York on the 7th of May, 1859, and receiving at the time highly complimentary notices from the press, and, as he rode down the bay, a salute from the guns at Fort Lafayette, little did he then think that ere three years should elapse he would spend three long, wearisome months in that Fort, a victim to the perfidy of William H. Seward.

General Jones having successfully arranged the important international question which hurried him to Bogota, under the orders of Secretary Cass, obtained a leave of absence, and returned home in the summer of 1860, where he received at the hands of all parties—the whole community participating therein—a magnificent ovation, such as had scarcely ever been tendered to any public servant on returning to his home. Public meetings of the citizens and of the City Council were called by order of the Mayor, then, and still, a leading, wealthy, and influential Republican, to make arrangements for his reception, the Mayor and Council crossing the Mississippi to welcome him on his arrival. On landing on the wharf at his home, he was met and escorted by a committee of reception on the part of the people, when Mr. Bissell, the late Republican Attorney General of Iowa, as orator of the

day, made an eloquent and pathetic reception address. A long procession of military, and citizens on foot, in carriages, and on horseback, escorted the General to his residence in the suburbs, on the Bluff, when he was again the recipient of six or seven other formal addresses by the commanders of volunteer companies and others of the legal profession.

General Jones returned to his mission in South America in the fall of 1860; and, finding the country there involved in civil war, which broke out during his absence, he made the most strenuous efforts, with both parties engaged in it, to procure a reconciliation and cessation of hostilities, as his despatches, on file in the State Department at Washington, fully show. Those despatches are conclusive that he would have succeeded, in all probability, in making peace between the contending parties, but that the Government, or Conservative party, as it was called, could not brook the idea of treating with the rebels, or Liberals, as the other party was designated. The latter party, under General Mosquera, triumphed over the Government, and took possession of the city of Bogota on the 18th of July, 1861.

The correspondence of the Minister Resident Jones with the State Department, under Secretary Cass, first, and Seward, his successor, shows that he made use of great tact and energy, if not ability, in his efforts to procure, by compromise concessions, an amendment of the laws or of the Constitution, to bring about a peace even before the expenditure of any great amount of money or effusion of blood, for which efforts he was highly complimented by all parties at the Court to which he was accredited, as well as by both Administrations of the Government at Washington.

General Jones was recalled by Secretary Seward as early as March, immediately after the induction of that functionary into the Secretaryship. The letter of recall itself, being of the most complimentary character, much surprised the President of the Republic—Mosquera—when he read it. He remarked, as he did so, that it was strangely contradictory, indeed, thus to treat a public servant, acknowledged in that

letter, as he was, to have been faithful and efficient, and by both Governments. But, as the letter said, the President and his Cabinet had "their friends to reward, and their political enemies to punish," and accordingly the *fiat* was sent forth.

General Jones did not reach the Federal City until December 5, 1861, his successor not having arrived at Bogota, to relieve him, until the 1st of November preceding.

On his arrival at Washington, the General was met first by Secretary Seward, at the entrance of the State Department, and greeted in the most affectionate and cordial manner, in the presence of a regiment of infantry from Cayuga County, New York, and some hundreds of citizens and strangers then present. Mr. Seward conducted him to the President's mansion, both being followed by the regiment and people, where, after President Lincoln had addressed the troops *en route* South, Mr. Seward, formally and in an imposing manner, introduced General Jones to the Chief Magistrate as "Our friend, General Jones, just returning as Minister from Bogota." Mr. Lincoln, being equally warm and friendly in his reception of the General, said that he recollected forming a short but pleasant acquaintance with him at Springfield, some fifteen years before; which Mr. Jones not recollecting, the President invited him to call on him the next evening, at eight o'clock, when he would explain the circumstance of their first introduction to each other.

The following evening he called, and was kindly and respectfully treated by Mr. Lincoln, in the presence of the "Blair family," as he (Lincoln) termed F. P. Blair, Senior and Junior, and the Postmaster General. There were other gentlemen present, among them Mr. George D. Prentice, of the "Louisville Journal," who was endeavoring to effect the release from imprisonment of Dr. Gwin, late Senator from California, Mr. Calhoun Brenham, his brother-in-law, and Mr. Brent, they having been arrested by General Sumner, on board the Steamer "Uncle Sam," at Panama, New Granada, in November, 1861, and were then prisoners in Fort Lafay-

ette. These arrests were made in violation of the laws of our own country, of nations, and of the treaty with New Granada.

"Oh! what a tangled web we weave,
When first we practise to deceive."

While at Washington, Secretary Seward gave General Jones a diplomatic dinner, and extended to him other and the usual civilities between old friends. Strange and incomprehensible as it may appear, Seward, the Talleyrand of the day, was all the while meditating the arrest and imprisonment of his old friend and companion, to whom he had for years extended acts of hospitality and civility, just as he had done toward our returning Minister Plenipotentiary to France, the Hon. Charles J. Faulkner, of Virginia, who, as he too was on his way to join his family, was arrested and immured in Fort Lafayette.

General Jones remained in Washington for the settlement of his accounts as Minister returning home, until the 19th of December, when he took leave of his old Senatorial associate, Secretary Seward, who expressed an apparently earnest hope that he might have a speedy and pleasant trip, find his family well, etc.

On his arrival in New York city, General Jones was arrested, at the "New York Hotel," by Detective Farley, on the following telegram from Secretary Seward:

"WASHINGTON CITY, D. C., December 19, 1861.

"Hon. George W. Jones, late Senator in Congress from Iowa, and late Minister to Bogota, leaves here this afternoon for New York. Arrest him, and send him to Fort Lafayette.

(Signed) WM. H. SEWARD."

This despatch was addressed to Kennedy, the Superintendent of Police, and was all the authority which he said he had for his arrest. General Jones availed himself of permission to write a letter to his wife, who was to meet him in the city, on the 25th instant, detailing his arrest, etc. Telegraphic despatches were sent to the President and the

Iowa delegation in Congress, soliciting a hearing at Washington, or elsewhere. He received no reply to either despatch, nor was he ever informed of the cause of his arrest, further than a conversation with a friend, after his release, enlightened him. This friend had a conversation with Seward, in which the latter remarked, "that nothing had ever pained him so much as to have been compelled to arrest and imprison General Jones, but that it was necessary to make examples of the heads of families and parties sometimes."

He evidently intended to punish the General, because one of his sons had gone South in April, 1861, although unknown to him, and while he was five thousand miles away. He knew nothing of the fall of Fort Sumter, or the commencement of civil war, until in May, 1861.

He was taken in a carriage to Fort Hamilton, thence to Fort Lafayette, where he was conveyed from the sally-port to the Commandant's office. He was required to divest himself of his clothing, and give up his purse and its contents, his watch, pocket-knife, pencil, and even his gold studs, and the sleeve and collar buttons on his shirt. His trunks were kept at the Police headquarters in New York, where they were ransacked, and his private papers, and letters from his wife and children, examined and read. The same thing was done at Forts Hamilton and Lafayette, before he received them.

On entering the casemate, the General was furnished with a dirty straw pallet and an iron bedstead, without sheet, blanket, or pillow. The food furnished the prisoners was meagre in quantity and poor in quality, and inferior to that furnished to the garrison.

They would have suffered for the necessaries of life, but for the humane attention of such charitable, Christian ladies as Mrs. George A. Gelston, of Fort Hamilton; Mrs. Sullivan and Mrs. Lucy Dodge Leadbeater, of New York; Mrs. Dr. Cuthbert, (whose husband was a prisoner in the Fort;) Mrs. Austin Dale and Mrs. Norris, of Baltimore, and many others like them from Philadelphia, who sent them tea, coffee, sugar,

and meats, and medicines, as well as bedclothes and wearing apparel. These ladies received no return but the prayers of the prisoners and the consciousness of having done noble acts.

The General is confident that the treatment which he and his fellow-prisoners endured in the Fort was worse than that shown to prisoners in penitentiaries, confined for the most diabolical offences.

General Jones and his fellow-prisoners were required to sweep and scrub the brick floors of their casemates, or allow them to remain as filthy as they found them. They had to carry in their wood and coal, after obtaining the necessary permission from the sergeant, empty their slops, and perform still more menial offices. He learned to cook and wash. The other prisoners desired to do it for him, but the General refused, saying that he was born in the West, and would share their privations with them.

When not dreaming of giving offence, they were addressed in the most offensive language by the soldiers as they passed them, (always by permission,) in going to their meals, to the cistern for water, to the wood or coal pile, or to the rear. A musket with a fixed bayonet was sometimes placed at their breasts.

On one occasion, as General Jones was passing from his casemate diagonally across the court or area of the Fort, the sentry in a gruff and insulting tone commanded him to "halt," and demanded to know where he was going, presenting, as he spoke, his musket and bayonet at a charge. The General replied, "To the Kentucky room, to take some medicine to a sick friend, and by permission of Lieutenant C. O. Wood." The guard then ordered him to pass around the other way, saying, "I have a mind to give you the contents of this," alluding to his gun. On another occasion, he heard a soldier, on guard, curse a gentleman in the water-closet, because he did not sit down upon the bench or plank, which was literally covered with mud and filth. The soldier enforced his order by presenting his bayonet at the prisoner's breast; and had he not obeyed, he would either have been

shot or run through, for the brutality of the soldiers scarce knew any bounds.

We give but one more incident, although we could mention many. A few days before the General left the Fort, Mr. Burnett, of Kentucky, was placed in the guard-house, merely because he walked to and from the rear with Mr. Coe, of Baltimore, with whom he was engaged in conversation. The General was intimately acquainted with Burnett, who had been a class-mate of one of his sons at the Kentucky Military Institute. Hence he dared incur the displeasure of the soldiers, by appealing in his behalf to the commander, who, after much solicitation, released the prisoner on the following morning. These brutal actions of the soldiery were evidently encouraged by Lieutenant C. O. Wood, a favorite of Mr. Lincoln's, and one of his appointees. He was a very depraved man, and totally unfit for the grade of a lieutenant. His character is well delineated by Cowper, as having

> "A sordid mind,
> Bestial, a meagre intellect, unfit
> To be the tenant of man's noble form."

General Jones was discharged on the 22d of February, 1862, after an incarceration of sixty-four days. We are unable to give the real cause of the arrest and imprisonment of the subject of this notice, for, at the time, one of the New York newspapers, in the confidence of the Government, stated that it was because of treasonable letters written from Bogota to Jefferson Davis, and other Southern men, giving them aid and comfort. Another averred that it was because he (Jones) had sent two of his sons to the South to fight for secession. The facts are as follows: General Jones had formed his first acquaintance with Mr. Davis, in 1820–21, at Transylvania University, Kentucky. They afterward served together in the Black Hawk war in 1832, in Congress in 1838, and were room-mates while in Washington — were brother Senators previous to and after Davis was Secretary of War under President Pierce. They corresponded through

a period of thirty-five years, and continued to do so until after the inauguration of civil war. While Minister to Bogota, letters were passing and repassing between them, in many of which he stoutly denounced secession as disintegration, and subversive of our republican institutions. The last letter he received from Davis was dated January 10, 1861, and was in answer to one of his own, soliciting the co-operation of Mr. Davis in having his son, William A. B. Jones, reinstated to a lieutenancy in Colonel Joseph E. Johnston's cavalry regiment, which position he had resigned through the mistaken advice of the Surgeon of the regiment. The *disloyal* letter which Mr. Seward avers he dropped in the State Department, when closing his accounts, and which he published in a mutilated form, giving garbled extracts which gave it another meaning, contained his last admonition to Mr. Davis of the fallacy of secession, which was then threatened by the South, and pleading for them "*to remain in the Union, and, if necessary, to fight for their rights under the Constitution in the Union*," further pledging himself and sons to stand by and fight with them, if necessary. This letter he sent, with his other correspondence, through the State Department, as he had done when General Cass was Secretary of State, and which was the custom, and one that General James Watson Webb, his (Seward's) bosom friend, availed himself of, when arrested for debt in New York, previously to his departure as Minister to Rio de Janeiro, under Seward's appointment. The contents of this letter, and other letters written by General Jones to his family and friends, before he was aware that civil war had broken out in the United States, (a fact which he did not learn until the latter part of May, 1861,) were violated by the Secretary, and, after being read, were, as it is supposed, filed away in the archives of the State Department, as trophies of the duplicity of a man, who, in his official capacity, as Secretary of State, by his correspondence with, and subserviency to crowned heads, did more than all his predecessors to lower the dignity and honor of the United States.

His sycophantic and cowardly course in the Trent affair and with the Emperor of France, particularly in reference to the Monroe doctrine, as applied to the late war in Mexico. his deceptive course toward Fenianism, by first inducing the march into Canada, and then by shamefully, ignorantly, and dastardly permitting American-born and naturalized citizens to be imprisoned and executed, under the British Govern ment, should consign him to disgrace, as history will his name, to "fester in the infamy of years."

"In friendship false, implacable in hate;
Resolved to ruin or to rule the state;
To compass this, the triple bond he broke,
The pillars of the public safety shook."

SAMUEL H. BUNDY, M.D.

DR. SAMUEL H. BUNDY was born near the Cumberland River, in Smith County, Tennessee, on the 8th of April, 1822. His father was a respectable farmer, of French descent, who emigrated from North Carolina to that State at an early period of its settlement. He labored on the farm with his father until about his sixteenth year, when he was sent to Wirt College, then a flourishing school near Castalian Springs, in his native State, where he received a substantial education. After leaving college, he entered upon the study of the law, and was admitted to the bar in 1846; but having a dislike for that profession, he soon abandoned it, and studied medicine, which, being more congenial to his tastes and sympathies, he has closely followed to the present time.

In 1852, he removed with his family to Williamson County, Illinois, where he has since resided, and held a prominent place in the political and educational affairs of his adopted State. Having been reared near the residence of the immortal Jackson, and his father having served under him through the War of 1812, he early became a warm admirer of the policy of that eminent statesman, and, of course, identified with the Democratic party; and being a speaker of considerable fluency and power, he has frequently taken the stump in defence of its principles.

In the canvass of 1860, he took a deep interest, and warned the people, wherever he addressed them, with almost prophetic accuracy, of the terrible calamity that would result from the elevation of a sectional candidate to the Presidency. During the campaign, he dealt many heavy blows against the party represented by Mr. Lincoln; but being decidedly conservative in feeling, he neither held extreme views, nor

gave utterance to the violent language indulged in by such men as Logan, Kuykendall, Palmer, and others. And in 1861, when the country was wild with excitement, while these men were stirring up the people of Central and Southern Illinois by inflammatory harangues, denunciatory of the Abolition party and the coercive policy of Mr. Lincoln, Dr. Bundy was pleading for moderation and the adoption of the compromise measures proposed by Crittenden, Douglas, and others, as the best means of quieting the popular mind, until "sober, second thought" should bring about reconciliation, without the effusion of blood. When a large concourse of citizens assembled at Carbondale, for the purpose of driving away the troops stationed at Big Muddy Bridge, on the Illinois Central Railroad, (having been excited almost to frenzy by the reports spread through the country that they had been sent there by Abolitionists, without authority,) Dr. Bundy hastened to the place, and spent the day in disabusing their minds, and urging them to refrain from violence, and quietly disperse to their homes; which they finally did For doing this, he was cursed for "a white-livered coward," by some who were urging on the strife, who have since become ranting "Union men," and cursed him soundly as a "Copperhead."

Soon after the disastrous battle of Bull Run, General Logan, who had, in his speeches during the summer of 1861, "wished that his hand might wither if he ever took up arms against his Southern brethren," returned from Congress and commenced raising a regiment; alleging, in his addresses to his old constituents, that "it was necessary for Democrats to get hold of the muskets, and save the Government from the invasion of the Southerners on the one hand, and the corrupt and illegal policy of the Abolitionists on the other; that Mr. Lincoln and his party had neither the military skill and bravery necessary to conduct the war successfully, nor the statesmanship and honesty to administer the Government legally; and between them and the Rebels, our form of government was in great danger of being subverted." And he

exhorted his friends to "join him in forcing the Rebels into obedience, when they would all turn around and whip out the Abolitionists." This sudden "change of front" produced the most intense excitement. From this time forward, men, who had been life-long friends, began to distrust and suspect each other; and the people were distracted by divisions and suspicions. Troops were quartered at Cairo and various points along the borders of the State, and detachments scoured the country in all directions, foraging upon and insulting the citizens. The country swarmed with detectives, spies, and secret reporters. With many honorable exceptions, the Republicans became informers; and every political or even religious difference, or personal spite, was made the occasion of a secret mission to the Provost Marshal at some military station, with a report of disloyalty against the offender. Citizens of all classes and professions were arrested, searched, and cast into the various guard-houses; generally, without knowing whom, when, or in what they had offended, or who were their accusers. Men, who would not have been believed on oath in any court where they were known, and could not have obtained credit for fifty cents at any country store, were made swift witnesses and instruments in inflicting untold miseries upon the most inoffensive and valuable citizens.

Such was the state of affairs when the August term of the Circuit Court commenced at Marion, in 1862, Hon. Andrew D. Duff presiding. Dr. Bundy was appointed foreman of the grand jury, but, after serving two days, was excused, in consequence of the illness of his family, three children being dangerously sick with whooping cough and diphtheria. Soon after he left, two men, alleging they were Government Detectives, reached town, and, under orders from one Major Merrill, Provost Marshal at Cairo, arrested the Judge on the bench, and several members of the bar; and inquired for the foreman of the grand jury. On being informed that he was at home, they made some further arrests, and determined to call for him as they returned to Cairo.

When they reached his house, August 14, he had gone to a neighbor's, to visit a sick child. On account of the illness in his family, they yielded to the entreaties of Mrs. Bundy, and the assurances of Judges Duff, Allen, and Mulkey, that the Doctor would attend at Cairo or elsewhere as soon as the condition of his family would permit, and concluded to go on with the gentlemen already in charge, and leave him at home for the time being. As soon as the Doctor returned to his house, he addressed a note to the Provost Marshal, stating the condition of his family, his fears that his children could not live, the absolute necessity of his presence as a father and physician to care for them; and from the depths of his affliction, appealing to his better nature, and his own tender family ties, he assured him that, as he was unconscious of having violated any law, or done any man wrong, he would not hesitate to report at any point to which he might be ordered by competent authority, as soon as the condition of his family would permit. But neither this note nor the statement of his officers as to the affliction of the Doctor's family, nor the assurances of the gentlemen they had in charge that he would attend as soon as he could leave his sick children, seemed to have any effect on Merrill, who sharply reprimanded his subordinates, and ordered one of them (one Scott) to return and bring the Doctor to Cairo.

On the 17th, death entered the family circle, and took for his victim a bright little boy, between six and seven years of age, whose remains the sorrowing parents followed to their resting-place at a church one and a half miles from their residence. As they were returning from the grave, they were met by Merrill's officer, who ordered the Doctor out of the carriage, containing his afflicted wife and other members of the family, into his own buggy, and hurried him off to Cairo. Mrs. B. had, for many years, been in very feeble health, and was quite overcome with grief. The Doctor begged permission to accompany her home, and comfort her as far as possible; to provide as best he could for the other children, who were in a most critical condition, and supply

himself with clothing and funds for his contemplated absence. But the officer was deaf to all entreaty; alleging that his former lenity had been reproved, and he must reach Cairo that night. On arriving at Carbondale, where they were to take the cars for Cairo, his haste seemed to have ended; and, leaving the Doctor in the sitting-room of the Union House, with orders to remain until called for, he strolled off into the town, and was absent until after midnight.

The Doctor soon perceived that something of interest was going on in an adjoining room, as he could hear many voices, and persons were continually passing in and out at the door, which was kept closed, and seemed to be guarded on the inside. So, when night came on, as it was dark and misting rain, he stepped out on the pavement, and went to an open window, which permitted a full view of the persons and proceedings within. A number of persons, with most of whom he was well acquainted, were engaged in preparing evidence against himself and the other gentlemen who had been arrested about the same time. Several men seemed to be present as witnesses, some of whom were total strangers to him; others he knew to be of the lowest character, and all whom he recognized were political enemies. Dr. George L. Owen, originally from Ohio, an avowed Abolitionist, was acting as attorney, and drew out the testimony to his own liking; while one Dick Dudding, an unscrupulous pettifogger, wrote down the statements in language suited to the purpose. The witnesses were all in the room together; were all the political friends and allies of Owen and Dudding, who prompted such statements as they wished; and when any testimony appeared favorable to the accused, it was rejected. When through the examination, *they were sworn to what Dudding had written, without having it read over.* Only one man was observed to require his statement to be read before he would sign his name and be qualified to it, and then demanded several changes to be made.

In the mean time, Dr. Bundy had gone to the door, and asked permission to go in, as he perceived that they were

taking evidence against himself and others. He claimed the right to meet his accusers face to face, and cross-examine them, but it was peremptorily refused, and the door shut in his face. Jefferson J. Allen, an attorney, and brother to Hon. William J. Allen, one of the prisoners, also requested permission to go in and question the witnesses, but was refused. All the Abolitionists about town, however, seemed to pass in and out *ad libitum*. Next morning, the Doctor reached Cairo, and the officer, who was quite drunk and overcome with drowsiness, merely told him to report at the Provost Marshal's office at nine o'clock, and staggered away to seek his own comfort.

After separating from Officer Scott, Dr. Bundy sought a hotel, and tried to refresh and brace himself preparatory to the ordeal of meeting the Marshal. But his heart was too full. He could not eat. The loss of his dear boy, the dangerous condition of his other children, the dark cloud which he knew was overshadowing his loved home and crushing out the life of his afflicted wife, with the knowledge that he was a prisoner, the victim of malice and revenge, and unable to render assistance or consolation, almost drove him to madness. At 9 o'clock A.M., August 19, he went to the office of that most arbitrary and iniquitous of all military officers — the Provost Marshal. When he entered, Major Merrill was engaged with some other prisoners, and seemed to take no notice of his presence for some time. Judges Allen, Duff, and Mulkey, Attorneys Youngblood and Clementson, Rev. Alexander C. Nelson, and some others, were present. After a while the Marshal ordered the roll of the Marion prisoners to be called, and then took from a desk a bundle of papers, which he ordered a clerk to read as evidence against them. It proved to be, in part, the statements heard by Dr. Bundy at Carbondale the night previous, which had been sent by Scott, and accounted for the delay. Such a jumble of improbabilities, contradictions, and falsehoods was, perhaps, never found outside of a Provost Marshal's office.

After the reading was concluded, Dr. B. informed the

Marshal of what he had witnessed the previous night; urged the unfairness of the manner in which the testimony had been taken, mentioning the fact of some of the witnesses not having read what was written down by Dudding; the refusal to admit him into the room to cross-examine the witnesses; the rejection of all testimony favorable to the accused, and declared that the statements as to his having used "disloyal words in a Fourth of July speech at Stroud's," were wholly untrue, as he could prove within five days, by the best men in Williamson County, if allowed to do so. Other gentlemen present made similar declarations. The Marshal replied that all this might be true, but that he had nothing to do with taking the evidence, and *no authority to hear rebutting testimony.*

The Doctor then laid before him the afflicted condition of his family, and the necessity of his presence and assistance at home; and offered to obligate himself in any sum, with adequate security, to attend at any time, or as often as every second day, at that office, or elsewhere, within his reach, if permitted to return home while his children remained in a critical condition. Several other gentlemen warmly seconded the request. But it was of no avail. The Marshal merely removed his cigar, and remarking that he was not there to look after afflicted families, told the Doctor that he could either go to the "guard-house," or have the limits of the city, on his parole of honor, and report at nine o'clock each morning. Of course, he preferred the latter.

For two weeks, Dr. Bundy remained a prisoner on his parole, in Cairo, within a few hours' travel of his home, where two of his children still lay at the point of death, without being able to visit them and minister to their wants. Scarcely an hour passed that the condition of his family was not on his mind.

Under the impulse of excitement, a man may rush into a burning building, or bare his bosom to a thousand deaths on the battle-field without a care; but who that has a heart swelling with a husband's and father's love, can control its

promptings, and remain day after day, without employment to divert his mind, within a few miles of an invalid wife, whom he had nursed for years, now bowed in affliction, and his darling little ones, prostrate and expected to die, without bitter anguish? No language can describe the intense anxiety suffered by this victim of tyranny, as day and night he traversed the pavements, or walked to and fro in his room, vainly striving to escape his grief and quiet his restless spirit. The little form cold in death, the new-made grave, the agony of the weeping mother, left to seek her stricken home alone, and the prostrate forms of those still suffering under disease, were constantly before him.

In the mean time, he resolved to make one more effort to reach the better feelings of Major Merrill; and wrote him a note representing the condition of his family, and enclosed a letter from Mrs. B., full of touching sorrow, and giving the opinion of the attending physician that their little daughter could not recover; appealing to his kinder nature and own domestic endearments; and, finally, as he wore on his bosom the badge of a secret order, "ancient and honorable," appealing to its tokens of distress and fraternal obligations, and offering to obligate himself in any way to return, or to pay the expense of a guard to his house, if he was only permitted to visit his family, and see his child, before the earth should cover her loved form from his sight. This touching appeal was read and handed back with the coarse and brutal remark, "*If this is repeated, you will be put into close confinement.*"

Thus he remained for two weeks, reporting to the Marshal at 9 A. M., each day, according to orders.

At 9 o'clock P.M., September 2, Dr. Bundy, with his fellow-prisoners from Marion, was summoned before the Marshal, who delivered them into the custody of Major Bond and Isaac W. Phillips, who immediately took them to a car on the Illinois Central Railroad, and locked them up, placing a guard of four men over them, in Federal uniform, armed with muskets, who replied to inquiries that the prisoners were

going to Springfield, Illinois, for trial. At this information they were all highly elated, for they knew that an impartial investigation, before any just tribunal, could result only in their liberation and speedy return to their families.

The assurance from the guard, to Dr. Bundy, that he should have a fair hearing immediately on reaching Springfield, nearly made him wild with joy, and he managed, by the dim car-light, to pencil a note to his family full of comfort and encouragement, expressing strong hopes of being with them in a few days to share their grief and minister to their wants; which he handed to a friend as the train passed Carbondale.

At this point, an incident occurred which must ever remain green in the memory of grateful hearts. Just as the prison-car was moving from the station, Joseph M. Campbell, a merchant of that place, sprang upon the platform and asked admission, as he had very important business with some of the gentlemen. With a scowl he was refused. The door was locked. In a trice, he hoisted one of the end windows of the car, and before the bewildered sentinels had decided what to do, he was inside. With a roll of bank-bills in one hand, he grasped the hands of his old friends with the other, and gave them a hearty shake, saying, "Boys, there is no telling where these fellows will take you, nor how long you will be gone. I have a little money here, and if any of you are likely to need it, you are welcome; and if this is not enough, I have plenty more." About one hundred dollars were distributed to those who would take it. From Mr. Campbell, Dr. Bundy received the last news from his afflicted family, that reached him, until after his release from confinement.

When the train reached Centralia, a number of other prisoners were found waiting; and it was soon learned from conversation among the officers, who seemed to have a warm dispute over the prize, that they were destined for Washington City, under special orders from the War Department. All hopes of a speedy deliverance vanished immediately, and the fond anticipation of embracing his sick family faded from the Doctor's mind, as the glow of sunset sinks into night.

From this point he was borne along from his home through weary days and nights, more dead than alive, and he retains but an imperfect recollection of the occurrences upon the route; except that Bond proved to be a contemptible, petty tyrant, and omitted no opportunity of insulting and annoying his victims; being so overbearing, that on several occasions, Phillips voluntarily interfered in their behalf.

On the 5th of September, the party reached Washington, and the prisoners were taken directly to that far-famed receptacle of Democratic offenders, the Old Capitol Prison, except Hon. William J. Allen, who, being dangerously ill, was left at a hotel, and a few days afterward was remanded to Springfield, Illinois. But, though sick and in bonds, his generous heart was not unmindful of his fellow-prisoners. Before leaving Washington, he deposited with a friend a large sum of money, subject to their orders in case they should need it.

This Military Bastile has a world-wide reputation from the number of gentlemen of every social rank, who were confined in it during the war, the harsh and cruel treatment to which they were subjected, and the loathsome and disgusting condition of its cells. The simple statement, that one was confined within the Old Capitol Prison, conveys to most readers a pretty correct idea of what he experienced, without entering into the details of locks, bars, sentinels, filth, vermin, prison fare, and official insults. When Dr. Bundy and his friends entered the prison, Lieutenant J. Miller, of the 10th New Jersey Volunteers, was in command, with a strong military force under him, and William E. Wood was Superintendent. Miller was a supple tool of the unscrupulous tyrants he served — General Wadsworth, commanding the District of Columbia, and Edwin M. Stanton, Secretary of War. Mr. Wood seemed to be personally a gentleman of generous impulses.

The room in which they were first confined was filthy beyond description. The floor was literally obscured by excrement, that emitted a stench which no human being could long have borne. It was supplied with sleeping-bunks ranged in tiers around the walls, which contained a few old mat-

tresses and soiled blankets, swarming with vermin. There was not a chair, or bench, or table, on which a man could rest. One small window heavily grated, afforded the only means of light and ventilation. The door was bolted and guarded by a sentinel. The food was of the poorest sort of prison-fare, badly prepared, and served to the prisoners as if they had been caged animals in a menagerie, rather than human beings, not to say gentlemen, accustomed to the proprieties and amenities of refined society.

So intolerable was their condition that they were constrained to address a strong appeal to the Superintendent, Mr. Wood, who in a few days had them removed to No. 16, a tolerably large room on the third floor, which they were allowed, after much delay, to have cleansed and furnished with rude seats and tables, at their own expense. Finally, they were permitted to board themselves, by purchasing provisions in the city, and hiring the negroes, who had unrestricted access to the prison yard, to cook for them. A sergeant was detailed to purchase the provisions for them, and for others who were allowed the same privilege. No. 16 contained *twenty-one men*, literally jammed together.

Thus they remained week after week in close confinement, denied even the privilege of conferring or corresponding with any of their friends. Hon. T. H. Campbell, and other influential gentlemen from Illinois, warmly interceded in their behalf, and urged that they might be admitted to trial, but in vain. They were in the grasp of a tyranny which neither law, justice, nor the appeals of mercy could relax. No attorney was allowed to counsel them, and no judge dared to issue a writ of habeas corpus to inquire into the legality of their confinement.

Dr. Bundy was attacked with dysentery soon after entering the prison, from which he did not recover until long after his release. He wrote to his family every few days, to inform them of his condition, and try to comfort and encourage them in their sore affliction. But his letters probably never went beyond the office of the prison. Not

one of them ever reached his family; who heard nothing directly from him after he passed Carbondale, and were continually tortured by reports from "reliable sources," and newspaper articles, that he was "condemned to be shot;" that he was "sent to prison during the war;" that "the proof against him was overwhelming," etc., etc. Nor was he allowed to hear a single word from his family or friends, although they addressed letters to him daily, informing him of the dark shadow which rested upon his house, and of the efforts that were being made for his release.

Of what was occurring in the outer world he was kept in as profound ignorance as if he had been enclosed in the centre of the earth. He heard nothing except an occasional item of news that a sentinel might chance to utter within reach of his ear. His mind was constantly harrowed by the consciousness that those dearer to him than life or liberty were in deep affliction; and uncertainty and suspense increased his mental agony to a degree which a free, healthy mind cannot conceive.

On the last day of September, Dr. Bundy was summoned to the prison office, where Mr. Wood met and informed him that he was to go before Judge Turner for "trial." The Doctor replied that he was in no condition for an impartial trial, having been denied counsel, and having no witnesses nearer than Illinois. Wood, however, informed him in a confidential tone, that "that made no difference — that all would come out right." They went in company to the office of Judge Turner, who was engaged at the time they entered, listening to a clerk reading some kind of a document, and was leaning back in his chair, with his feet elevated on the table, smoking a cigar. He was soon at leisure, when Mr. Wood introduced Dr. Bundy as "one of the prisoners of state from Illinois." The Judge removed his cigar, nodded his head, and pointing to a chair, told the Doctor to be seated. He then asked him a few unimportant and silly questions, puffed his cigar, and remarked that he had examined the evidence against him, and considered it insuf-

ficient to justify his confinement, and he would therefore be released.

All this farce was enacted in a careless manner, that plainly stamped it as the merest mockery, the most contemptible trifling with the forms of justice, and utter disregard of the feelings and rights of American citizens.

The Judge's order, prepared by a clerk, was put into the hands of Wood, who conducted Dr. Bundy back to the prison office, and gave it to Lieutenant Miller. He read it, and then asked the Doctor if he would take the oath of allegiance to the United States, who replied that he owed allegiance to no other Government, and would take the oath daily, if required. Miller then administered the oath, and handed him the following certificate, which seemed to have been already prepared:

"OLD CAPITOL PRISON,
Washington, D. C., September 30, 1862.

"To all whom it may concern:

"Know ye, that Samuel H. Bundy (a prisoner of state) has been honorably released from this prison, he having taken the oath of allegiance to the United States Government.

"By order, Secretary of War.

Lieutenant J. MILLER, 10th N. J. Vols."

Thus, after being torn from the unfinished burial of his dear boy, dragged from the side of the weeping mother and his other sick children, imprisoned for a month and a half, and subjected to insult and abuse, it was found that the proof was insufficient, and he was honorably discharged, nearly a thousand miles from his home, to find his way back as best he might! What a commentary upon justice! What an example of boasted American liberty!

The most cruel and heartless chapter of this outrage on the most sacred of human rights and feelings, and which should consign its authors to eternal infamy, is still untold.

After handing the Doctor his certificate of release, Miller took from his desk and gave him a large bundle of letters from his family and friends at home; all of which had been

opened and read. Here were the tear-blotted words of grief and love from the companion of his youth, the bereaved and heart-broken mother of his children, and kind words of sympathy and encouragement from warm-hearted friends — letters informing him of the great bereavement he had suffered in the loss of his children, and of the threatening condition of his wife's health ; and letters telling him of the numerous affidavits of men of all parties, which had been forwarded to him by his friends. And yet, of all this he had been kept in profound ignorance.

The first letter he opened happened to be from Hon. William J. Allen, who had reached his home, and contained the sad news of the death of his idolized daughter, five years of age, who had died on the 12th of September, and also of the still dangerous illness, not only of another child, but of his wife.

The shock was too much for his already overstrained nerves. The letters fell from his hands, and he was supported to a cot, where he lay insensible for several hours. Returning consciousness only brought back the terrible grief to his heart. The sweets of liberty were imbittered, and the fond anticipations of soon embracing his loved ones were crushed. The thought that he had been wronged and mocked, and that he must now return to his desolate home, to the graves of his children and to his suffering wife, and bear his grief without the power to obtain justice or to vindicate himself before the world, quite unmanned him, and for a time his feelings had entire control of him. Late in the afternoon he rallied, went to his room for his clothes, told his sorrows to a few of his fellow-prisoners, bid them an affectionate farewell, and left the Old Capitol Prison for his home in Illinois.

Nothing occurred to interest him on the journey, for he noticed little that passed. His mind was busied with far different subjects. He reached home on the morning of October 5. The meeting with his family we will not attempt to portray. How changed was the little circle! Two vacant seats were at the hearth — two fresh graves were in

the church-yard. Mrs. Bundy's feeble frame was completely shattered, and she gradually declined in health, until death called her to rest beside her children.

Such, dear reader, were the doings of the party which professed to labor for "God and humanity." Such was the heartless tyranny of men, who, clothed with a "little brief authority," set the laws at defiance, trampled under foot the principles of justice, disregarded the rights of citizens, and outraged family endearments, Christianity, and common decency. Shall they go unwhipped of justice? Shall they escape the verdict of history and a just retribution? Will American freemen suffer them thus to destroy the fair temple of liberty, without raising their voices and hands to stay the work of ruin?

JOHN APPLE.

MR. JOHN APPLE, of Philadelphia, was arrested by order of the Secretary of War, Edwin M. Stanton, on the 15th of August, 1862, by Deputy Marshal Schuyler. His arrest was made at the Jefferson House, on the corner of Fifth and Poplar Streets, Philadelphia, and the prisoner was taken thence to the Marshal's office.

He inquired of the Marshal the cause of his arrest, and was informed that it was for discouraging enlistments. Mr. Apple again asked who had made the charge, and was told that it had been made by a man named Burns. He then employed two attorneys to obtain for him a writ of *habeas corpus*, which they applied for, although the Marshal had told them his arrest was by order of the authorities at Washington, and a writ could not be granted, as he (the prisoner) was to be tried in that city. The writ was not obtained.

He was started for Washington the same night, arriving there about seven o'clock on the following morning, (August 16,) and was, at his request, taken to see Colonel Thomas B. Florence, who, together with the Marshal, accompanied him to the office of Judge Advocate Turner.

Mr. Florence stated his case to the Judge, who said he had nothing to do with it, and remarked to the Marshal, "You have been ordered to take this man to the Old Capitol Prison, have you not?" The Marshal replied that such were the orders. The Judge then said that the prisoner would have to be taken there, as he had nothing to do with the case.

He was then taken to the Old Capitol Prison, and placed in charge of Superintendent Wood. Apple remarked to

Wood, that the Marshal had no warrant for his arrest, nor any charge against him. The Superintendent replied, "We will find a charge against you." The Marshal was then sent to the office of the Provost Marshal of the District of Columbia, for a commitment for the prisoner. On his return, Wood placed him (Apple) in the hospital, in which there were from sixty to seventy sick soldiers, confined with different diseases, these being constantly augmented by fresh arrivals from the different camps.

Here, he was compelled to eat and sleep, amid the vitiated air of the room, and the noxious exhalations of fever-stricken men. The food served them was poor in quality, and meagre in quantity. Those who had means were permitted to purchase such things as they wished, of which permission he quickly availed himself. He was detained in the hospital for about three weeks, and then removed to a room where a number of state prisoners were confined. This room was much cleaner than the hospital, and more healthy; but both were full of rats, mice, and other vermin.

During the term of his imprisonment, he saw but one friend. Others called to see him, but were refused admittance. In the single instance just mentioned, he was brought down stairs to the office, and held a short conversation with his visitor, while an officer stood between them, who would not permit him to make mention of his case.

The duration of the interview was limited to fifteen minutes, and at the expiration of that time he was returned to his room, where he remained until discharged. The letters that he received were opened and examined by three or four parties, stamped on the back, and approved by the Provost Marshal, before they were given to him.

His letters passed through the same course, and if they contained anything which was deemed obnoxious, they were either sent back or detained.

He remained immured for six weeks, when, in company with six others, he was conducted by the Superintendent to the Judge Advocate, who asked him if he belonged to any

secret political organization? He replied that he did not. He then inquired if he would take the oath of allegiance, to which Mr. Apple replied that he was a Democrat, and as such owed allegiance to the Government already. The Judge Advocate then wished to know if he would give a bond for $5,000. He asked what for, and the answer was, to keep the peace. He then told the Judge Advocate he had never broken the peace, and would give no bond, as he preferred going to prison again to debasing himself; and asked that a trial be accorded him.

The Judge Advocate then blandly said that "he looked like a good-natured man, and he did not think he would do any injury," and discharged him from custody.

HON. DENNIS A. MAHONY.

HON. DENNIS A. MAHONY, Editor of the "Dubuque Herald," was arrested about 4 o'clock A.M., on Thursday, the 14th of August, 1862, at his residence in Dubuque, Iowa. He was aroused from his slumbers by a man named Gregory, knocking at his door, who said he desired to see him in his office. Mr. Mahony replied, that he could do nothing there at that hour in the morning, nor could he get in, if he so desired, as the keys were in possession of his clerk. Having been the recipient of several anonymous and threatening letters, and thinking that his visitor's midnight mission portended no good, he cried out loudly, with the intention of arousing the neighbors. Gregory gave a signal-whistle, when Marshal Hoxie and his Deputy, P. H. Conger, together with a number of soldiers, appeared in front of his house, and demanded admittance. He, seeing that his arrest was desired, reproached Marshal Hoxie, with whom he was personally acquainted, with the disgraceful manner in which he was conducting the affair, and further inquired of him by what authority he made the arrest. He replied, by order of the Secretary of War.

Mrs. Mahony became almost frantic with fear at the probable fate of her husband; and from the array of soldiers around the house, and their menacing remarks, she became much alarmed, when one of them brutally ordered her to "hush up," or he would blow her brains out.

Mahony prepared himself to accompany his captors, and was taken under escort to the Key City House for breakfast. Professing to be in a hurry to reach the steamer for Davenport, Hoxie did not give him time to obtain a change of clothing, and he, thinking, in all probability, that when he

had an interview with Governor Kirkwood, which the Marshal had promised him, he would be released, did not insist on it. His desire to see the Governor arose from the fact that that official was a personal friend, and had on a former occasion declared that no one should be taken from the State of Iowa, without first having had a trial to see whether the accused person was guilty of any offence. Mr. Mahony made a second demand on the Marshal, for his authority in thus tearing him from his home and business, subjecting him to insult, and, above all, for depriving him of his personal liberty. But to this the Marshal made no reply.

Fearing a rescue, Mahony remarked to Hoxie, that he had better send the soldiers one way, and they would go another, in order to allay any excitement that his arrest might occasion. Captain Pierce, commanding the company of Regulars, approved of the suggestion, and the Marshal and his prisoner, closely followed by Deputy Conger, hurried on to the Key City House. Hoxie, after leaving him in the care of Deputy Conger, went out, and, as Mahony afterward learned, rejoiced with his friends on what had occurred, with fanatical zest.

On his return, he took Mr. Mahony on board the steamer "Bill Henderson," bound for Davenport. The prisoner took every opportunity to prevent a collision between the people and the military. Yet, Marshal Hoxie circulated the report that he had tried to resist his writ. Arriving at the steamer, they found a company of soldiers drawn up on the levee, and two guards, with loaded muskets and fixed bayonets, were placed over him. His friends were allowed to approach him only by twos. From the steamer he wrote a letter to his friends in the city, stating the fact of his arrest, and detailing the ungentlemanly treatment by the Marshal and his deputies. A committee of the citizens of Dubuque was on the steamer, but none of them had the manly courage to speak to him, with the exception of Mr. D. S. Wilson, and he did so in a very formal manner, being a personal friend. He was guarded down the river by two soldiers, who had been selected for that purpose on account of their known antipathy

to all Democrats. The Marshal seemed to consider it a part of his duty to point him out to all the new recruits on board, who thereupon followed him around until he was forced to enter his state-room to escape their scrutinizing gaze, where he remained until they reached Davenport. This was not the only instance in which his "private and hallowed feelings" were outraged by the Marshal, who pursued a systematic course of mean tyranny toward him, as will be seen in the sequel.

Arriving in the city of Davenport, he was lodged at the Burton House, where he expected to meet the Governor, but was informed that he was not there. On inquiring of the Marshal, that official informed him that the Governor would arrive on the morrow, but one of the guard hooted at the idea; and, as the Governor did not arrive at the appointed time, Mr. Mahony has no doubt that Hoxie wrote him not to come to the city — a fair sample of the treachery and duplicity of other officials higher in power, of which Marshal Hoxie was but an epitome. To a subsequent letter to the Governor, he received a cold and insolent reply, couched in insulting language, charging him with disloyalty, and declining an interview with him either at Iowa City or Davenport. He then felt satisfied that his bold defence of constitutional liberty had made him the object of partisan malignity, which was being manifested in the most despotic manner. He spent the night in the hotel, under guard, and, when he awoke in the morning, he was forcibly reminded, by the recumbent position of one of the sentinels, that his imprisonment was not an ideal thing, but a stern reality. After receiving Hoxie's permission, he sauntered down the street, accompanied by his guard, to visit some friends. As he passed along, he met Judge Grant, who asked him what had happened to him, and, being informed, he volunteered to obtain a writ of *habeas corpus* for him. But Mahony declined the Judge's offer, remarking that he intended quietly to submit, as he thought he would be discharged as soon as his case was examined by the Governor

While at Davenport, several personal friends called, and among them a Mr. Richardson, Editor of the "Democrat and News," Counsellor Parker, H. V. Dilden, an old acquaintance, and Mrs. D. V. Wilson, who, woman-like, kindly assisted in procuring him some changes of clothing, in which she was assisted by other noble ladies, to whose kindness he feels deeply indebted. On Friday, it was intimated to him that, instead of proceeding direct to Washington, he was to be taken down the river to Burlington; for what reason, he could not then conceive. The Marshal, however, insinuated that other arrests were to be made, and subsequently informed him that David Sheward, Editor of the "Constitution and Union," of Fairfield, Iowa, was one of the individuals to be seized.

They arrived late on Saturday night at Burlington, and walked to the Barrett House, where he was placed in one of a suite of rooms selected by the Marshal. It having been noised about the town that he was there, a prisoner of state, on Sunday, numbers of political friends called to see him, and manifested more feeling and sympathy than the same class had done either at his home or at Davenport. The crowd became so demonstrative as to frighten the Marshal, who grudgingly gave permission to his friends to visit him. Wishing to go to church, and leave having been hesitatingly granted him, he was accompanied by an orderly sergeant of the regular service. They proceeded thither, and took seats in the same pew, presenting, at that time, a strange appearance in the *free* United States.

During Sunday, the object of the visit to Burlington was revealed by the arrival of Mr. Sheward. To secure his arrest, as speedily as possible, the Marshal had engaged a powerful locomotive from the Superintendent of the Burlington and Missouri Railroad, and, accompanied by that individual, had proceeded to Fairfield, and arrested Sheward at the house of a friend, where he was dining. Placing him on the locomotive, they soon arrived at Burlington, where Mr. Sheward was formally presented to the person who, from that day forward

(the 17th of August,) was to be his fellow-prisoner and room-mate, for the three following months, in the now historic Old Capitol Prison. The excitement in the city became more intense when it was found that Sheward was also in custody. Under the pretext of removing them to more comfortable quarters, Hoxie placed them in a part of the house more remote from access by their mutual friends, quadrupled the guard, and gave positive orders to shoot either of them should they attempt to elude their vigilance. This order came near proving fatal to Mr. Mahony, who, in attempting to speak to the guard as to the disposal of an intoxicated man, was thrust back, with the imprecation, "D—n you, stand back, or I'll shoot you." Mahony's indignation was aroused, but his humiliating position, in the hands of his enemies, would not admit of his resenting the insult, and he was obliged to submit to their taunts, jeers, and insulting badinage.

Sunday evening, and a part of Monday, were spent in visiting friends, and receiving visitors. The Marshal had his headquarters in the office of the "Hawk Eye," an Abolition journal, that made a craven attack on Mr. Mahony, when first arrested. Here all persons wishing to have an interview with the prisoners were obliged to go, to obtain the necessary pass, which, of course, was very humiliating to them. Senator Grimes, a personal friend of Mr. Mahony since 1854, made him a friendly call while in Burlington, and promised to address the Secretary of War, demanding for him a speedy trial, which promise he fulfilled in a delicate, dignified, and friendly manner. Mr. Postlewaite, on visiting them, forced upon them the contents of his purse, observing, prophetically, as it turned out, that they might need it before they again obtained their freedom. Rumors were circulated during the day that Judge Hall, Messrs. Postlewaite, Browning, and Carpenter, and General Dodge, were to be arrested. But these gentlemen, regardless of the clamor, visited them at the hotel.

In the evening, they were ordered to prepare themselves to start for Washington. This was easily done, as Mahony

was almost destitute, and had but little means with which to make a few necessary purchases. Sheward would have been as badly off, had not his wife arrived on Monday evening, with clothing and money. A guard was detailed to take them to the ferry boat. The streets were crowded, some of the people looked on approvingly, but the majority with a scowl at their custodians, and a silent pity for the captives. In the cars, *en route* to Chicago, they were guarded by the Marshal and a Sergeant. An accident, caused by the collision of two freight trains, detained them for some hours, so that they did not reach Chicago until the next morning.

The Marshal, after providing himself at the Quartermaster's office with transportation to Washington, took them to the cars of the Chicago, Fort Wayne, and Pittsburg Rail road, on which, as elsewhere, they were examined by an official, whose duty it was to examine all travellers, to prevent persons from evading the draft by escaping to foreign countries. But as they were then in the custody of the Gov ernment, no difficulty was experienced in passing. Hoxie took especial pains here, as elsewhere, to inform the bystanders that he had "two Democratic prisoners of state." At Harrisburg they found themselves within the influence of martial law. The railroad, from that place to Baltimore, was under a guard of armed men, and the cars were full of soldiers returning home on furlough, or going for the first time to the tented field.

This was the case all the way to Washington, which they reached about noon on the 21st of August. They were immediately marched to the office of the Military Governor, General Wadsworth, and left to stand in the hot sun, in front of the building, while the Marshal, and a friend named Taylor, also in the Government employ, entered the office to obtain their commitment. On their return, Hoxie ordered the prisoners to get into a prison van, which stood at the door, and they were driven to the Old Capitol, and turned over to Lieutenant Holmes, who examined their baggage, questioned them in regard to the possession of arms, liquors,

or valuables; and not being satisfied with the answers, took hold of them, shook them roughly, and finding nothing contraband that he might confiscate, handed them over to a guard, with directions to take them to room No. 13, which the reader will find fully described in the history of the Old Capitol Prison. This room they found occupied by two Virginia gentlemen, and Dr. J. C. Stanley, of Chicago. After undergoing the formalities of an introduction, and a cross-examination, and registering themselves, they set about "learning the ropes." A few hours brought darkness, and with it their first night in the Old Capitol. The next day after their incarceration, they were visited by Judge Charles Mason, of Iowa, who volunteered to act as counsel for them, and arrangements were made for bringing their cases to the notice of the Secretary of War, with a view to a trial as speedily as possible.

A few days afterward, Mr. Mahony was visited by the correspondent of the "Chicago Times," F. B. Wilkie, Esq., who had formerly been local editor of the "Dubuque Herald." During the conversation, Mr. Mahony was informed by that gentleman that he had been nominated for Congress. This remark displeased Lieutenant Holmes, who immediately put an end to the interview. On returning to his room, and consulting with his fellow-prisoners, they advised him to write a letter to his constituents accepting the nomination, which he did, and which was returned to him with the order, in reference to letters, given elsewhere. Feeling that he was detained in prison to gratify *partisan* malice, he wrote another long letter to his constituents, reiterating his former acceptance, and expressing his views on the leading topics of the day, at much length. This letter was passed out surreptitiously, and, after publication, caused much surprise to the officials of the prison.

Judge Mason's application to the Secretary of War for the charges against Mr. Mahony, brought a denial from that official of all knowledge of any. The Assistant Secretary, P. H. Watson, declined granting him the privilege of examining

the records in the Provost Marshal's office to ascertain the charges against him, and, in his reply to the Judge, delivered this *unique* sentence: "Let him prove himself innocent." "Innocent of what?" inquired Judge Mason. "How is he to know of what he is to prove himself innocent?" From that time until he was discharged, after an imprisonment of three months, he did not learn the nature of the charges against him, and all the applications that he made for that purpose were alike futile. Mr. Mahony fared badly until the organization of messes. Previous to that, his fare consisted of bread with the addition of beef for dinner, (denominated *mule*,) and coffee of a miserable quality. This regimen was sometimes changed by the arrival of boxes from some discharged prisoner, containing butter and some other solid and palatable food; but they were "like angels' visits, few and far between."

While confined here, Mr. Mahony was affected by one of the most touching incidents of his life, in the compassionate regard shown him by a contraband. Shortly after the second battle of Bull Run, Banks's *corps d'armée* arrived in Washington, destitute of provisions. Requisition was at once made for all the bread that could be obtained. Prisoners of state were among the first deprived of bread, and hardtack was substituted, some of which was so hard that Dr. Ross, of Tamaroa, Illinois, figuratively said "he had knocked fire from them;" and Sheward declared "that the barrel containing the crackers was marked 400 B. C., an indication of their age," which our readers will readily understand without explanation. But we digress. The contraband "Bob" approached him on the second day, in an awkwardly familiar manner, saying, as he came near, "Dese crackers is too hard for massa, an' I to't I'd bring him dis 'ere loaf uv bread," saying which, he pulled out from his bosom a small loaf, a part of his own rations, and handed it to him. Mr. Mahony was overpowered with conflicting emotions. His treatment and that of his fellow-prisoners, their subjection to such

usage as they were then enduring, and the humanity of the poor negro, with other thoughts, crowded together in his mind, and for a moment he was without the power of utterance. As soon as he regained his self-control, he inquired of "Bob" whether the servants, all colored, were furnished with bread rations. He replied that they were. So it appeared that only the victims of despotism were obliged to put up with the cracker fare. Mahony, at times, when his indignation was aroused, denounced the tyrannical acts of the Administration in round terms.

During the campaign before Washington, in August, 1862, the prisoners distinctly heard the booming of the distant cannon, which created much excitement among them. Often for hours did they sit by the barred windows, looking into the street, and listening to the firing, which daily became more distinct. Various were the conjectures of the prisoners as to their probable fate, should they fall into the hands of the Confederates; for the prisoners and deserters who flocked into Washington, gave color to the idea current among them, that disaster and defeat had overtaken the troops at the front. That the army was falling back on the city soon became evident to all.

The Rebel prisoners in the yard were jubilant, and were confident that victory was gracing their standard. As their shouts of exultation rent the air, many a prisoner

> "felt a filial heart
> Beat high within him at a mother's wrongs."

And many were the prayers for her preservation, by those victims whose supplications to the President, for their own liberty, had "been answered only by repeated injury."

The culpable carelessness of the prison guard in firing through the ceiling, came near, on one occasion, causing Mr. Mahony's death. We copy a statement drawn up and certified to by his fellow-prisoners, viz.:

"OLD CAPITOL PRISON,
Washington, D. C., October 22, 1862.

"The undersigned, prisoners in the Old Capitol, do hereby testify, that on this day, viz., the twenty-second of October, 1862, at two o'clock and forty minutes P.M., a ball was fired through the floor of room No. 16, in which we, the undersigned, were at the time present. The ball passed through the head of the bed on which D. A. Mahony, a prisoner of state, was at the time reclining, and on which he had been lying most of the day, ill. At the moment the ball went through his bed, he had raised himself up on one of his elbows to speak with a fellow-prisoner, Dr. Moran, who was shaving at the time. Had Mr. Mahony been lying down as he had been most of the day, the ball would have gone through his head inevitably. The force with which the ball was shot will be understood from the fact that, after passing through the ceiling and floor underneath room No. 16, it went through one of the slats of the bed, through two bedticks, through a blanket of twelve thicknesses rolled up as a pillow, and through a feather pillow, and then penetrated the ceiling of room No. 16. As an evidence of the truth of all of which, we hereby subscribe our names, in presence of Hon. Andrew D. Duff Judge of the Twenty-sixth Judicial Circuit, Illinois.

JOHN H. MULKEY,
M. L. ROSS,
FRANK P. BLAIR, JR.

"This will certify that I was present during the affair above described, and believe, if it was not designed, to be the result of gross carelessness on the part of those having the control of the guard of the Old Capitol Prison.

THOS. T. ELLIS, M. D.,
Late Post Surgeon, New York, and Medical Director."

Next morning after this occurrence, one of the guard shot himself through the head, in front of the prison. No public mention was ever made of the occurrence. Not only were some of the guard careless and reckless, but several of them were rude and vicious to a degree bordering on brutality. One day, Mr. Mahony was standing at one of the windows

in room No. 10, looking out, in a contemplative mood. The guard upon the pavement below, observing him, called to him to stand back from the window. Mahony replied that he was as far back as the rules of the prison required.

"Damn you," said the guard, "if you do not stand back, I 'll shoot you."

Mahony very complacently remained standing where he was, but watched the guard's motions closely. After two or three commands similar to that first given to stand back, the guard brought his musket to his shoulder, and was about to take aim, when Mr. Mahony peremptorily ordered him to "SHOULDER ARMS!" He was so suddenly startled by the command coming, as he no doubt supposed, from the chief officer, that he quickly shouldered his musket. A shout of derisive laughter from the other window of the prison, facing the guard's position, was the first conscious intimation the fellow had that he had obeyed the order of Mr. Mahony.

During the remainder of the time that this man remained on duty, he seldom took his eye off the window at which Mahony had stood, and the latter was equally as attentive, but at a respectful distance. After Superintendent Wood's return from Richmond, where he had been on a peace mission, he promised to have the Western prisoners, who had been confined nearly three months, released.

They were all suffering more or less from their confinement, especially Mahony, who was failing so rapidly, that the physicians in the room became alarmed at his situation. After examining him, they expressed their opinion in the subjoined certificate:

"This will certify that we, the undersigned physicians and surgeons, having carefully examined Dennis A. Mahony, a prisoner of state, now confined in the Old Capitol Prison at Washington, D. C., do hereby affirm it as our professional opinion, that the bad health of Mr. Mahony is the result of continued confinement; and, further, we believe the disease which he is now suffering from, (namely, incipient paralysis,) is aggravated by his

imprisonment, and that a protraction of it will continue to affect him injuriously, and thereby endanger his life.

THOMAS T. ELLIS, M. D., and M. R. C. L. S.
JOHN J. MORAN, M. D.

"In presence of A. D. DUFF."

On the 10th of November, Superintendent Wm. P. Wood presented to Judges Duff and Mulkey, and Messrs. Mahony and Sheward, a paper, adding that he was directed to do so by the Judge Advocate Turner, and to inform them that they could not be released until they signed it, and agreed to comply with its requirements. On examination it proved to contain these obligations: *an oath, both of allegiance to the Government, and an obligation not to prosecute the Federal or State officers concerned in their arrest and imprisonment of them.* The first impulse was to refuse to take that or any oath as a condition of release. Not that they objected to the taking of an oath of allegiance, but to do so would imply that they were guilty of some offence against the Government. Reflection, and the urgent advice of their fellow-prisoners, together with the declaration of the Superintendent that they would not be discharged if they refused, and that it was exacted to protect those in the employ of the Government from suits for damages, (several of which had been commenced by prisoners after their discharge,) induced them to take it.

That our readers may see what the oath was, we append the subjoined copy:

"I, ——, of ——, do solemnly —— that I will support, protect, and defend the Constitution and Government of the United States against all enemies, whether domestic or foreign, and that I will bear true faith, allegiance, and loyalty to the same, any ordinance, resolution, or law of any State Convention or Legislature to the contrary notwithstanding; and further, that I do this with a full determination, pledge, and purpose, without any mental reservation or evasion, whatever; and further, that I will neither enter any of the States now in insurrection against the authority of the Federal Government, or hold any corre-

spondence whatever with them, or with any persons in them, during the rebellion, *without permission of the Secretary of War*, and that I will in all things deport myself as a good and loyal citizen of the United States; and that I will not cause or commence any action or suit against the officers of any loyal State, or of the United States, for causing my arrest or imprisonment, at any future time, so help me God. Sworn to and subscribed before me, this — day of ——.

"A true copy. J. J. MORAN, M.D.
Frederick, Md."

On the 11th of November, Judge Duff, of Benton, Illinois; Judge Mulkey, of Cairo, Illinois; David Sheward, of Fairfield, Iowa; and Dennis A. Mahony, of Dubuque, Iowa, were taken before Judge Advocate Turner, who, without giving them a trial or an examination, further than to question them as to whether they were members of the Knights of the Golden Circle, administered the oath to them, and discharged them. The discharge read as follows:

"OLD CAPITOL PRISON,
Washington, D. C., November 11, 1862.

"To all whom it may concern:

"This will certify that the bearer, Dennis A. Mahony, a prisoner of state, has been duly and honorably discharged from custody at this prison.

"By order, Secretary of War.

Captain B. L. HIGGINS,
Co. A, 86th N. Y. V., Commanding."

Similar discharges were given to the others. They returned to their room, to pack up the few pieces of clothing that remained, and bid farewell to their fellow-prisoners.

A leave-taking supper was prepared for them by the few remaining victims, to be partaken of in room No. 16, "the scene of triumphs, and the scene of pains." The room was lighted with candles, and the mess-tables drawn together and filled with such articles as the prisoners could procure. The Superintendent was invited to partake of the viands. He replied that it was against the rules for him to eat with the

prisoners; but as the four gentlemen about to leave were no longer prisoners, he would accept the invitation, which he did, and appeared as much affected as the rest.

The gentlemen about to leave had been the longest in prison. All the later arrivals looked up to them for counsel and sympathy, and they were then about to separate, perhaps, forever. This and other reflections swelled their hearts with emotions which found vent only in tears. Forcing themselves away, they waved adieu to their old companions, and took final leave of the *Old Capitol Prison.*

CYRUS F. SARGENT.

MR. CYRUS F. SARGENT, the subject of this narrative, was born in Yarmouth, Maine, in 1814, of highly respectable parents. When about nineteen years of age, he went to Louisiana to engage in business, and spent some two or three years in the employ of one of the most influential merchants of New Orleans. He subsequently located in Union County, Arkansas, as a merchant. The State was at that time in a prosperous and flourishing condition, and by strict attention to it, his business proved prosperous, and he acquired quite a fortune. Owing to sickness, he was compelled to leave the State, and removed North in 1856 or '57. But his old friends in Arkansas induced him to commence business in New Orleans in the fall of 1860, his family still residing in Yarmouth, Maine, which was his home. Hearing of the death of his wife in April, 1861, and having a family of helpless children at home, he closed his business in New Orleans and started for Maine. At this time the war had commenced.

Soon after his return to Maine, he attended, with other Democrats, a Convention at Portland. The subject of the war being the topic of discussion, he was called upon for a statement of the feeling of the Southern people. He told them that the people of the South felt that the war was forced upon them, and all they asked was that the Government should be administered according to the Constitution, and not as Abraham Lincoln said it should be, viz., on the Black Republican platform, for *that platform* was virtually a declaration of war against the Slave States of the Union.

Mr. Sargent left Portland, Maine, for Boston, Massachusetts, on the morning of September 23, 1861. While seated

in a car reading the morning paper, he was attacked by four ruffians, shortly after reaching South Berwick Junction. One, a Deputy United States Marshal, came up behind him, and jumped upon him, crushing him down between the seats. The others got hold of him by the head and arms, three holding him, while a fourth *handcuffed* him.

Immediately on being permitted to rise, he demanded their authority for thus acting, when the Deputy Marshal took from his pocket a paper, saying, "That is my authority." Mr. Sargent asked permission to read it, but was refused. He then requested the Marshal to do so, but this he also declined. After ironing him securely, they searched his person, when one of the four, a man named Goddard, drew his revolver, saying: "This is the thing we settle such fellows as you with." Sargent called him *a contemptible coward to draw a revolver on a man in irons.*

The cars being full, the passengers collected around the scene, but no one had the manliness to raise his voice against the brutal manner in which the prisoner was treated.

The Marshal and his minions then pushed him into a small saloon-room, and there detained him until the train arrived in Boston.

He was taken in a coach across the city, and placed in the cars for New York, stopping only a short time in a room connected with the United States Marshal's office.

Deputy United States Marshal Heald, who had him in confinement, refused to loose the *handcuffs* that he might have an opportunity of writing a few lines to his children and friends, in Yarmouth, to allay their anxiety at his absence. They did not even permit him to attend to the calls of nature. It was with great difficulty that Deputy Marshal Keyes induced Heald to unfasten the irons from one wrist, and that was replaced within half an hour. On arriving in New York, he was placed in a loathsome dungeon in the Tombs, and there compelled to pass the night amid a horrible stench.

The next morning, September 24, he was taken to Fort Hamilton, Heald passing a receipt with General Knox, then

in command of the Fort. Thence he was immediately transferred to Fort Lafayette, Lieutenant Wood in command. Here, he was placed in one of the casemates, which was crowded with other victims of Puritanical tyranny. He was without a blanket or mattress for several nights, and suffered much from the cold while lying on the damp brick-floored casemate. He was unable to eat the scanty food furnished him, but soon got a chance to take two meals per day in a mess made up among the prisoners. They employed a man connected with the Fort to furnish them with provisions, which were cooked in his apartments. The prisoners composing the mess paid the bills. The water, for the first ten days during his imprisonment, was filled with live, snakish-looking insects, and was so offensive that the prisoners had to close their nostrils while drinking it.

The last of October, he, together with a number of others, was removed by steamer to Fort Warren, Boston Harbor. The suffering of the prisoners, while on this rotten, unseaworthy steamer, beggars description. The hold was crowded with Hatteras prisoners, kept without food for forty-eight hours; and, on arriving at Fort Warren, some of them were nearly dead, and survived but a few days.

The treatment and accommodations at Fort Warren were much superior to those at Fort Lafayette, while the prisoners were not obliged to endure the uncalled-for abuse to which they had been subjected at the latter place. The reader will see details elsewhere.

He was released in the latter part of November, after having been in confinement about two months, without having any charges preferred against him. His friends went to Washington, stated the case to Mr. Seward, Secretary of State, who pretended ignorance of the matter, notwithstanding the fact that Mr. Sargent's attorney saw a telegram from Seward, ordering his arrest by the Marshal, some two weeks before it was made.

He had been arrested once before on the same telegram, but his friends had secured a writ of *habeas corpus* for him,

and the case was abandoned. Previous to the serving of the writ, he endured forty-eight hours' confinement in jail. While an occupant of Fort Lafayette, his friends demanded a trial for him, but all to no purpose. His friends, who were indefatigable in their efforts, next negotiated with the law partner of a United States Senator for his release. Whether he was instrumental in obtaining his freedom or not, Mr. Sargent is not aware ; however, he was shortly after discharged, with a bill of expenses heavy enough to have liberated a dozen men. He had also requested his friends to make a demand on the Governor of his State to interfere and demand a trial. To this, they replied "that Robert Elliott, of his State, then his fellow-prisoner, had made a similar demand on the Governor, and that he had declined having anything to do with it;" thus permitting citizens of Maine to be dragged from the State and imprisoned, without a trial, or even the effort to secure one. Mr. Sargent still resides in Yarmouth, a man of undoubted integrity, and a prominent citizen.

JOSEPH K. EVANS, JOHN H. PORTER, WILLIAM EVANS, DAVID McCARTY, JAMES KEITH, JOSEPH W. GIDEON, AND VALENTINE M. GIDEON.

DURING the night of the 14th, and the morning of the 15th of September, 1862, the following gentlemen were arrested by armed mobs disgracing the name of soldiers: Joseph K. Evans and John H. Porter, of Winterset, and Esquire David McCarty, William Evans, James Keith, Joseph W. Gideon, and Valentine M. Gideon, residing in the country. Of these we shall give separate sketches, but blend their history as prisoners.

JOSEPH K. EVANS.

J. K. Evans was born in Washington County, Indiana, in the year 1819. His father was a native of Wales, and emigrated to the United States in 1785, served under General Harrison at "Tippecanoe," etc., and was a faithful soldier under General Jackson. Mr. Evans's mother was born in the memorable year 1776. His grandfather on his mother's side was a soldier in Daniel Morgan's celebrated rifle corps, and was present at the surrender of Cornwallis at Yorktown. Afterward he served under General Greene, and was killed near Charleston, South Carolina.

Mr. Evans has resided in Iowa since 1841, and his present nome is in Madison County of that State.

His arrest was made at about two o'clock on the morning of September 15, 1862, by a company of soldiers claiming to be a part of the 23d Iowa, acting under orders from United States Marshal Hoxie, a name synonymous with imbecility and corruption. The prisoner was driven from his house at

the bayonet's point, not being allowed time to dress, his children following him with his necessary apparel. His house was robbed, during that morning, of notes of hand to the amount of four hundred dollars, which he never recovered. His family were brutally menaced and insulted. Mr. Evans held the office of Sheriff of Madison County, for several years, with honor to himself and the party which elected him. He then retired to private life with means sufficient to support his family comfortably, by combining industry with frugality. But the robbery of his house, his imprisonment, and consequent loss of time and health, have reduced him to poverty. He is still unflinchingly Democratic; and with the proud consciousness of having suffered for his country, and the determination still to do her service, he bears the "slings and arrows of outrageous fortune" with fortitude. From Joseph K. Evans, we pass to his nephew,

WILLIAM EVANS.

Of the personal history of this gentleman we shall be compelled to speak in more general terms. The statement made above, of the ancestry of Joseph K., will serve to some extent for William. His father, Robert A. Evans, was born in Washington County, Indiana, has always been a farmer, and is now an intelligent, influential, hale old man. His mother is descended from one of the oldest families of Virginia, and was a school-mate of President John Tyler. His grandfather, David Shoemaker, served under General Washington, and also assisted in suppressing the Whiskey Insurrection. One of his uncles fell in the Mexican War, and another in the Indian service.

Mr. Evans was about twenty-three years of age at the time of his arrest, which took place before daylight on the morning of the 15th of September, 1862. His father's house was surrounded by a numerous mob, and his surrender demanded. Resistance was not attempted. The old gentleman, in opening the door to admit the mob, (under promise of proper treatment and speedy trial,) was severely wounded

with a bayonet. And after William was in custody, he was fired at by the commander of the outlaws, the ball passing close to him, almost grazing the head of a sleeping child, and burying itself in the wall. He was then hurried to Winterset, a guard being left to prevent any of the family from escaping to give the alarm. Mr. Evans was elected to the office of Assessor while in prison.

He is a young man of uncommon natural talent and good information.

He is, however, a contented farmer, and his extreme modesty has thus far prevented him from seeking or accepting those honors which he so richly deserves, and which his numerous friends would gladly bestow upon him.

DAVID McCARTY, Esq.

David McCarty is a native of Claiborne County, East Tennessee, and is descended from Irish ancestry. His father, Thomas McCarty, was a Captain under General Jackson, and afterward removed to Putnam County, Indiana, while it was yet a Territory. Here, David McCarty married the daughter of Captain Clift Glassbrook, and, in 1839, removed to Buchanan County, Missouri. In 1851, he went to Iowa, and settled in Madison County. Here, he filled the office of Justice of the Peace for six years. He was nominated by the Democratic party of his district for a seat in the Legislature, and although the district was largely Republican, he was defeated by but a small majority.

He was afterward elected a member of the Board of Supervisors, and presided over that body during his term of office.

He was arrested before day, on the 15th of September, 1862, by a detachment of ten men, his family insulted, and he taken from his house without sufficient time to finish dressing, and hurried off to Winterset.

JOHN H. PORTER.

John H. Porter was born in Madison County, Indiana. He was arrested at his house in Winterset, about two

o'clock, on the morning of September 15, 1862. Every trunk, box, hole, and corner of the house was searched for papers. His kidnappers said some persons had sworn that Mr. Porter was Secretary of a Lodge of the Knights of the Golden Circle. This charge, will of course, have its proper weight with those who know that Mr. Porter *cannot write his own letters.* Mr. Porter is a quiet, inoffensive citizen, and takes no part in politics.

J. W. GIDEON.

Joseph W. Gideon is, and has always been, a farmer. He is a man of limited education, and makes very little pretentions as a politician. He was arrested at night, September 15, 1862, and immediately taken to Winterset. His kidnappers promised him a speedy trial, and a traitor's fate.

V. M. GIDEON.

Valentine M. Gideon was arrested at the same time with his brother, J. W. Gideon, and treated in a similar manner.

JAMES KEITH.

James Keith was brutishly torn from his needy family, before daylight, on the 15th of September, 1862.

He never heard of any charge, verbal, or otherwise, except "disloyalty." This shameful act of vindictiveness brought upon the head of its author the hatred of all good citizens. After the arrest of the gentlemen above named, they were dragged to Winterset, under promise of trial at that place; but for fear of rescue, they were hurriedly crammed into extra coaches, *heavily ironed*, (except J. K. Evans, Porter, and Keith,) and started early in the morning for Des Moines. The Marshal, Hoxie, by whose direction they were arrested, gave the guards the following order: "If a rescue is attempted, shoot the prisoners *first.* If any one of the prisoners attempts to escape, shoot, and shoot to kill — only halt him *once.*" On the way to Des Moines, the officers and guard got dinner, but compelled the prisoners to remain

in the coaches. At Des Moines, the prisoners again demanded to know (as they had done at the time of their arrest,) upon what authority and for what cause they were seized. They were answered that they should know soon enough. They demanded trial, and were answered with jeers and insults.

Upon arrival at Des Moines, the prisoners, amid all kinds of insult, except personal violence, were marched to Camp Burnside, and given a sick man's allowance of dry bread. The next day they were again *ironed*, and driven to Newtown, in Jasper County, where they were joined by Naylor, Mann, and Beal. Their treatment from this time is given in Mr Naylor's narrative, all being confined together and treated alike.

The reception of the prisoners on arriving at Winterset, after their release, was most enthusiastic.

Their arrival at Des Moines was made known at Winterset in the shortest time possible, and in ten hours — hours of night mostly — a concourse of jubilant Democrats, sufficiently large to form a procession one mile in length, convened at Winterset to welcome the martyrs home. The enthusiasm on the occasion baffles description.

The prisoners were met four miles east of the town, and escorted in triumph to their homes.

HON. RICHARD BENNETT CARMICHAEL.

MARYLAND, from the first settlement of the State down to the present time, has had many citizens to whose names she can point with pride and admiration. Among them may be designated Richard Bennett Carmichael. Descended from one of the oldest families of the Eastern Shore, the name — which has been identified with the best interests of the State, before, during, and since the Revolutionary War — *alone* carries with it respect and confidence.

The father of Judge Carmichael was a lawyer of erudition and distinction, while he himself possesses the reputation of being one of the soundest and most learned lawyers of his State.

When quite a young man, he was elected a member of Congress, which position he filled with great satisfaction to his constituency. After his retirement from Congress, he engaged in professional and agricultural pursuits, at the same time being the recipient of many offices of honor and trust. Subsequently, he was chosen Judge of the Circuit Court comprising the Counties of Kent, Queen Anne, Caroline, and Talbot.

The election of Mr. Lincoln, in 1861, upon the issues involved, accomplished a great revolution in the State of Maryland as well as in the United States generally. The vote of the State of Maryland disclosed an almost total absence of sympathy in the principles which prevailed in that election. The doctrine of secession had not much favor with either of the parties which had divided the State from the foundation of the Federal Government. But the right of coercion of a State, by that Government, had never been recognized by either, and the leading men on both sides had disclosed decided

opposition to it. The sympathies of the State were with the South generally, and with Virginia in particular, when the prospect of separation began to be developed, after the election. Little doubt exists with any who observed the condition of things at that period, that, if Virginia had seceded in the early part of the winter following, Maryland would have gone with her. Geographical relation, community of interests, of institutions, association, and every tie which binds States and peoples together, served to make their fortunes one.

These causes, and the consequences so natural to them, led to the jealousy which possessed the Federal authorities toward Maryland throughout the war, and to the continued and multiplied oppression by which the State was borne down to its very close. This, at least, is the charitable conclusion to be drawn from the course and conduct of the Government in this relation, and no Government ever stood more in need of charity in finding a pretext for its tyranny to the people of a "loyal State." For, notwithstanding her sympathy was in the main the other way, her action, as a State organization in all the departments, was firmly in adherence to the Union.

If statesmanship at Washington had not been so shallow, it would have discovered, what the people of the State had come to feel, long before the war broke out, that participation in the war on the side of the South, would lead inevitably to the sacrifice of the material interests of the State. When the people, in the first view of the situation, were ready to co-operate with Virginia in the movement of secession, they were under the sway of sympathy — of impulse to act with those with whom they felt in common. Moreover, it was believed that co-operation in such a movement would carry along Kentucky and Missouri, and a general conviction possessed every heart, that such concurrent action by these States would prevent the outbreak of war, and, after a time, bring about terms of conciliation between the North and the South. But, while Virginia was debating the policy of separation, impulse in Maryland was giving way to reflection

and, when finally war was inevitable—when Mr. Lincoln, on the one side of the Potomac, had flung his banner to the breeze and called *his* hosts to arms, and Virginia, responsive on the other side, thundered forth her ordinance of secession—to the calm, sound, sober thought of Maryland, it was manifest she had no place but with the Union; that place she held geographically, and she assumed it politically. Her Governor, Hicks—though pledged, time and again, to individuals and to committees, in private and in public, to join the fortunes of the South, in the event of conflict between the North and the South—rallied to the Union; and her Legislature, although Democratic, resolved that Maryland had no alternative but to adhere to the Union.

Individual sympathy remained much with the South, but State purpose and policy was adhesion to the Union. The elections followed soon after, and disclosed heavy majorities in favor of the Union candidates.

In this condition of things, the policy taken by the Federal Government was to treat the State as a conquered province, and her people as enemies. The civil power was overborne, and military rule established on its ruins. Citizens were subject to the caprice of such characters as Butler, and Banks, and Dix, and were arrested and cast into prison without *warrant of law*, or form of trial. Hordes of spies and informers waited on the bidding of Federal chieftains; and in that class, it was found, by the capture of one of their camps by the Confederate forces, that the Governor, Hicks, had taken his becoming place. The Marshal of Police of the city of Baltimore was captured in his bed by a Federal regiment. The Police Commissioners of that city and the Mayor shared like fortune; and, as if to assure the people of the State there was no place or person which they could regard secure against the march of unbridled power, the Legislature were beleaguered, captured, and transported to a prison in a distant State.

The subject of this narrative, Judge Carmichael, at this time, was a Judge of one of the Circuits comprising the Counties of Kent, Queen Anne, Caroline, and Talbot. Before the

beginning of these arbitrary proceedings, the spring terms in all these counties had been held. In the course of the summer, military arrests were made in sundry cases in Queen Anne and Talbot Counties. On the approach of the fall elections, squads of the military were sent to both of them, to overawe the voters. Arrests were made, of persons for "disloyalty," who had not favored the Union candidate at the election. The Clerk of the Circuit Court for Queen Anne was seized and taken to the camp of a Federal regiment established near the village, and called to answer before a Federal Colonel, on the very day before the regular fall term of the Court.

It was a time-honored custom, in this Court, for the Judge to charge the grand jury in respect of offences subject to their cognizance, to which Judge Carmichael had conformed; and, as the proceedings of the Federal officers had caused much distress and alarm throughout the jurisdiction, he had to perform or shrink from the duty belonging to the occasion.

He charged the grand jury, that every arrest, without "warrant of law," was arbitrary and unlawful, and that the parties thereto were subject to their cognizance. Bills of presentment followed, but the camp had been broken up and the regiment removed before proceedings from the Court could reach the offenders.

The term of the Court in Talbot County followed in a fortnight after. In this county, wrongs similar to those *presented* in Queen Anne had been suffered; and here the Judge charged the grand jury to the same effect, and in the same general terms as in Queen Anne, with similar results. One of the county papers made a gross misrepresentation of the terms and meaning of the charge to the grand jury. The purpose of this was so transparent that, at the instance of his friends, the Judge reduced his charge to writing, and gave it to the press. It was written out, as nearly as might be, in the very terms delivered, so that those who had heard could verify its identity when they should see it in print. So it is given here, in the simple didactic form in which it was the Judge's

wont to discourse, "*ore tenus*," to the grand jury, in respect of their duties.

"*Judge Carmichael's Charge to the Grand Jury of Talbot County, on Arbitrary Arrests, November Term*, 1861.

"Having now, gentlemen, charged you generally of the duties of your high office, here I would dismiss you to your chamber, if *my* duty did not require me to invite your notice to acts of outrage and violence unusual in this quarter.

"Through the public papers and otherwise, it has come to my knowledge, that violations of law have been committed by persons holding themselves above the law, which, by tacit accord, for some reason have as yet escaped the cognizance of the authorities. Violent and dangerous injuries have been committed, upon your citizens, whilst the process of law has been forbidden to reach the offender. Arrests have been made, utterly groundless as it turned out; but whether with cause or not, by persons having no legal competency to make arrests, and without 'warrant of law,' or process from legal authority. A squad of soldiers, with no pretence of authority but their arms, it is said, have invaded the homes of your fellow-citizens, and dragged them to their camp. There they have been detained as long as it suited the pleasure of their captors.

"These are the cases to which your attention is directed—now a word about the law. And but for the very peculiar state of affairs, I should be content to leave you to the counsels of the State. But it belongs to every department to bear its share of duty in the administration of the law. Yours is imperative, mine is not less so.

"Is there one in your panel here, where the LAW has been held supreme; where, twice in every year, from time immemorial, its ministrations have been conducted, who does not know that the facts stated, constitute offence against the law?

"I have told you that your duties extended to EVERY case of public wrong. The mandate of your solemn obligation requires that you make 'true presentment of ALL such matters as shall come to your knowledge,' and if ALL, then there is no exception, and your cognizance must be exercised over the cases mentioned,

unless you find some dispensing power, of which I have found no mention in the law.

"Offences are the acts of persons. Every person, public or private, high or low, is subject to the visitation of the law. Whether invested with the robes of power, or covered with humble rags, all are alike amenable to its sanctions. That 'the law ONLY is supreme in this land,' you have heard proclaimed by my honored predecessors, from this place, at every term. Heretofore I have so pronounced — my duty now still bids me to repeat the same to you, gentlemen, the Grand Inquest, its chosen ministers.

"Violent and dangerous breaches of the public peace have occurred here aforetime. With such offences you are not unfamiliar. They have received the prompt cognizance of your department, and have met the speedy and certain punishment which the law denounces upon ALL, without distinction. They are now not less obnoxious. In regard to these, I need not add another word.

"But arbitrary, illegal, and false imprisonments have been unknown to our modern history. In a practice of more than six-and-twenty years at the bar, throughout this circuit, and a service of a few years upon the bench, I have never known such a case — either by criminal presentment, or by civil action. Almost every crime and misdemeanor, with this exception, have found persons wicked enough to commit them. It will strike you, how sacred the right of personal freedom has been held within this jurisdiction, for more than a quarter of a century. And, you will be assured, there is ample redress for its invasion — that it has been preserved thus inviolate. It is the hereditary right of American freemen. It was the right of their ancestors, before American Independence.

"Before that day, a British subject could not be arrested, but under process of law. An arrest and detention of his person was unlawful, unless made under 'process from the Courts, or under process from a legal officer, having the power to commit under his hand and seal.'

"This process was required to be founded on oath, disclosing the cause of arrest. Indeed, so jealously was the liberty of the subject guarded, that it was held, at a very early day, by a high

authority, such as Coke, that a FELON could not be arrested upon the warrant of a Justice, until 'after indictment actually found.' This strictness, it is true, was combatted. But from that day, to the date of American Independence, the arrest of a British subject could not lawfully be made, unless under the authority of judicial or justicial warrant. Made otherwise, it was 'false imprisonment;' an offence, which an eminent English jurist denominates 'a heinous public crime,' for which, he says, 'the law demands public vengeance.' Every arrest without 'due process,' was regarded arbitrary, illegal, and despotic, and such as the ministers, at the date of American Independence, dare not claim for the British crown. The assertion at this day, of such a power for the crown, would shake the British throne to its very foundations.

"Exemption from the exercise of such power, is the birthright of Americans. They trace it back in the musty scrolls of the mother country for ages long past. It is inscribed, in letters of light, in the Constitution of Maryland. This right may yet be found in the Constitution of the United States — the Supreme law — before which every person, potentate, and power in the United States must give place.

"I will read it there, gentlemen. But first indulge me while I read a resolution of the first Congress, which explains why this, with other privileges of the citizen were inscribed there. The reading will be both instructive and profitable. 'The Convention of a number of the States, having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added. And as extending the ground of public confidence in the Government, will best insure the beneficent ends of its institution: Resolved by the Senate and House of Representatives of the United States in Congress assembled, two-thirds of both Houses concurring, that the following articles be proposed to the Legislatures of the several States, as amendments to the Constitution of the United States,' etc. By this reading you will observe that the Constitution as originally adopted by the Federal Convention, was without those 'restrictive and declaratory clauses.' The Government had been imbued with all the powers intended to be delegated. Its framers had designed that these powers — all of them — should be exerted as occasion required, and NONE others. But they had

not expressed the prohibitions, which were supposed to be implied. When, however, it came about that the sovereign will was to breathe life into its being, you find a law — a limit, was imposed upon its powers simultaneously. When the Constitution was referred to the States for ratification, with one accord they required the insertion of these articles, 'to prevent misconstruction and abuse of the powers' already expressed.

"There were some things they were not willing to leave to construction, for fear of MISCONSTRUCTION. There were powers which they regarded dangerous to put to USE, without restriction, from their liability to ABUSE. Therefore it was that the first Congress submitted these restrictive clauses to the States for their adoption. Twelve were submitted to the States. Ten of them were adopted. They are THE TEN COMMANDMENTS; forever forbidding any and all the powers of the Government to infringe the rights of the citizen — to do by construction anything herein forbidden. There is *no* power to suspend any of these commandments, as in regard to the *habeas corpus*. There is no conflict of jurisdiction as now claimed between the executive and legislative departments in regard to this great right. Here *all* the powers of Government are forbidden.

"These are the ten:

ARTICLES

IN ADDITION TO, AND AMENDMENT OF THE

CONSTITUTION OF THE UNITED STATES,

"Proposed by Congress, and ratified by the Legislatures of the States, pursuant to the fifth Article of the original Constitution.

Article 1.

"Congress shall make no law respecting an establishment of religion, or prohibiting the exercise thereof, or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble and to petition the Government for a redress of grievances.

Article 2.

"A well-regulated militia being necessary to the security of a free State, the right of the people to keep, and bear arms, shall not be infringed.

ARTICLE 3

"No soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

ARTICLE 4.

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE 5.

"No person shall be held to answer for a capital or otherwise infamous crime, unless upon a presentment or indictment of a grand jury, except in cases arising in the land or naval forces or in the militia, when in actual service in time of war, or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case, to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

ARTICLE 6.

"In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.

ARTICLE 7.

"In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

ARTICLE 8.

"Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE 9.

"The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people.

ARTICLE 10.

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

"The 4th Article forbids the arbitrary arrest and false imprisonment of the citizen. It guarantees to him the right heretofore enjoyed under the British Constitution. It prohibits 'unreasonable seizure;' prohibits a warrant for seizure except upon 'probable cause;' and requires such cause to be shown under the sanction of 'oath or affirmation.'

"Here is no room for misconstruction. The supreme law is express in its terms. It is set up, by its declared terms, as a barrier to the *powers to be* in the State. It remains to us as a barrier against 'the powers *that be.*'

"It has never been repealed, nor can be lawfully repealed, except by the power which created the Government, and in the manner provided by the Constitution itself.

"This freedom from imprisonment 'without due process,' is absolute in the citizen, with only two exceptions. One, in which he is found in the very act of committing a felony, which obtains alike in England and this country; the other, where he has exchanged the citizen for the soldier — 'in cases arising in the land or naval forces, or in the militia when in actual service in the time of war or public danger.'

"Your inquiries will enable you to ascertain if the arrests reported have, in fact, been made, and, if you find they have been made, whether they come under the excepted cases just stated.

"If they have been made, and are not within the rule of these exceptions, then they are public wrongs. It is my duty so to charge you, and so I do charge you.

"The circumstances in which we are, instruct me to remind you

that your inquiries into, and action upon, this subject are to be conducted — unmoved by prejudice, unswerved by favor, and unawed by fear.

"I cannot doubt that you will not be warped by prejudice on the one side, nor by favor on the other. As you are *freemen*, you are required to swear that you will not be restrained by fear in the discharge of your duty. A freeman should have no fear but of his God. The law is ordained by him. That commands what is right, and forbids what is wrong. It would be mockery, and I would not permit you to take the oath to act without fear, if there was an earthly power to restrain your free will.

"There may be others, besides the persons who committed the violations of law heretofore considered, who may be obnoxious to presentment. If any of your citizens have instigated these groundless arrests, they are more guilty than those upon whom they have imposed. And it is hardly to be supposed that strangers amongst you would wantonly, and without suggestions by mischievous persons, molest and harass your people. Such persons are liable for conspiracy. But your diligent and impartial inquiry will ascertain the truth.

"I am admonished, gentlemen, by former misconstructions, to say to you that my instructions to you are not moved by political or partisan bias.

"If I have declared to you the law as I understand it, you will remember it is under the same solemn sanction by which you are bound. If there be a class or party of persons who are banded together to oppose or violate the laws, it is my duty to animadvert upon their acts. If the facts to which I have alluded are true, their obvious tendency is not only to disturb the peace of society, but to subvert the very foundations of the Government whose laws both you and myself are sworn to administer.

"With the condition of our unhappy country, the evils which exist, their causes, and those who are to be blamed, I have nothing to say *here*. I have my own — a very strong opinion. Others entertain another opinion. They are entitled to their own, and I am equally entitled to mine. I would not trespass upon my own sense of propriety by alluding to these subjects here. But I should feel myself, and should be regarded by others, unworthy this place, if I should fail to charge you of offences against law, be the offenders who they may."

In a few days after the publication of this charge the very air was thick with rumors that the hand of the Federal power would be laid upon the Judge. The guilty author of the after outrage was back and forth, more than once, to General Dix's headquarters. But the time for such outrage had not yet come. The fate and fortunes of men had not yet fallen into the ruthless hands which *never* staid for choice betwixt right and wrong. The jurisdiction in such cases yet remained in the department where the "little bell" inaugurated the proceedings.

It was privately said that the little bell had rung, but, that before his order was issued, Mr. Seward took counsel of his duty in the premises, and being advised to read the obnoxious "charge" and decide for himself, upon consideration he dismissed the subject, with those who had come pandering it to his embrace.

But the assertion of the Constitution and the law, in constraint of the power which dispensed with both at pleasure, was an offence, for which, in the course of time, the Judge suffered a bloody visitation. When, six months later, he came to hold the spring term of the court in Talbot County, after the court had been in session for more than a week, in the midst of the trial of a cause, and while a witness was under examination before the jury, he was set upon by a gang of ruffians from the city of Baltimore, dragged from the bench, and beaten and hacked, until he was brought senseless to the floor and drenched in his blood. And still the violence was not intermitted, until one of the party, less brutal than the rest, interposed, and protested it should cease.

If the transaction was such as to shock all civilized men, there was this to sanctify it to the favor of the *loyal*—that it was conducted by Mr. Provost Marshal McPhail, a special and confidential agent of the War Department, for Maryland. His was a peculiar jurisdiction there, which commanded the service of the General Commandant, but held itself independent of that officer.

Marshal McPhail came to Easton (the county seat of Tal-

bot County) with no other aids to make the arrest of Judge Carmichael, but a handful of Baltimore roughs, whom he designated his deputies, and a Colonel and some subalterns of the Federal army. But after a survey of the ground, he telegraphed orders to General Dix for a part of his command, and he, obedient to the high behest, sent them forward with a steamer, and thereby shared a part of the glory of the achievement. Occupying a position of much distinction, the Marshal has suffered deep reproach in violating the temple of justice and its minister on the bench, and if that was *his* choice, he will leave the stain to follow his name forever, because there was no obstacle to a quiet arrest from the moment he reached Easton. On Saturday evening he arrived with his deputies, and Judge Carmichael remained alone in the hotel that night, and until noon on Sunday. He had heard of the advent of this high official, and the reputed object of his mission, and waived an engagement to spend that night and the Sabbath in the country with a friend, lest the invasion of his premises by the Provost Marshal should alarm the peace of his family. In that proceeding some of his friends have alleged that the Marshal was controlled by the guilty author of the order issued for Judge Carmichael's arrest.

The extremity to which the outrage was carried, was justified on two grounds—one true, the other false. The first was that, when the Provost Marshal introduced himself as Mr. McPhail, and announced his mission, the Judge (never having seen him before) did not know him, and said, "Sir, I do not recognize your authority." The second, that he made resistance. McPhail said, "I arrest you." The Judge replied, "Who are you?" McPhail returned, "I am Mr. McPhail—I am the Provost Marshal." The Judge rejoined, "I do not recognize your authority." McPhail added, "I have the force to effect the arrest." The Judge said, "You shall see," and called for the Sheriff; but the Sheriff had escaped before the Marshal appeared, and with him his deputy.

The court-room had been cleared of most of the bystanders by the summons of the hotel dinner-bell, before the invaders appeared. That moment was seized for the outrage. The few remaining were arrested or driven from the court-room by the deputies and the Federal officers, who partook in the outrage, by the show and threats of pistols. The Judge sat unmoved, and now, when there was no means of resistance, or indication of an act so vain, one of the deputies mounted the platform of the bench, and seizing the Judge by the beard, called out in a tone of insolent authority, "*Come out o' here!*" This was more than could be borne. There *is* a limit at which prudence and dignity can exert control no longer. At the foul touch of his assailant, the Judge in an instant was erect, and flung him aside, and kicked him off the platform of the bench. But the party did *not* wait for this retaliation by the Judge to begin their part, but as he arose and threw off his assailant, at that instant they commenced to deliver their blows upon his bald, bare head, with the hammers of their clubbed pistols, and proceeded until he was knocked senseless down. The pretext of resistance was put forth to soothe the indignation manifested by some of the "loyal citizens," when the news went abroad of an outrage so unparalleled.

These facts are given in detail, so that if a time do ever return when the law is restored to the respect, love, and support of the people, they may be warned to what extremity an unbridled power in the state will outrage those who interpose the authority of the law for the protection of society.

A surgeon was permitted to dress the wounds of the Judge. He was denied the privilege of going to his room, under guard, for a change of clothing. This was, perhaps, well-judged caution. For the sight of his bloody garments might have stirred the hearts of the people to mutiny, despite the military array vouchsafed by General Dix.

Judge Carmichael was imprisoned more than six months; yet his offence was not ever read or repeated or intimated to him. He was first lodged in Fort McHenry. Thence,

after the lapse of six weeks, he was deported and confined at Fort Lafayette for more than two months. Here he suffered, from confinement in a damp casemate, an attack of acute rheumatism, which has left him permanently lame.

While imprisoned at Fort Lafayette, he addressed a letter to the President, asking for his discharge, and enclosed to him a copy of his charge to the Grand Jury of Talbot County, at November Term, 1861. (A copy of this letter is appended.) With him, many others were taken to that post from Fort McHenry, and a list of their names from Brigadier General Morris, with the charge or charges under which each was held, opposite his name. Opposite the name of Judge Carmichael was entered, "No charge at these headquarters."

From Fort Lafayette he was conveyed under guard to Fort Delaware, but no charge against him accompanied the papers delivered with him at that Fort. Here he remained from the 23d September to the 4th December, when he was released without condition.

On the 10th of December, after he had been at home a few days, he addressed a letter to the President, renewing his demand for the cause of his arrest, and for the name or names of those by whose agency it had been ordered. (A copy of this letter is also appended.) The President never condescended a reply to either of his letters.

His release returned him to his duties on the bench. The law he was appointed to administer was unchanged, and no question against him had been made after arrest, in respect of his instruction to the grand juries on the subject of Federal wrongs by military officers. During his imprisonment, a wholesale seizure of citizens in Caroline County, one of the counties of his circuit, had been made.

On Saturday, preceding the Monday when the term in Kent began, in the spring of 1863, the editor of the Democratic newspaper at Chestertown was arrested. General Lockwood, of the Federal army, distinguished his military career by this exploit.

Judge Carmichael charged the grand juries in these counties in respect of these outrages. Omitting the particular facts in the cases, his charge is here inserted as read to the juries.

He had taken the precaution to have his instructions in writing, before delivery, so as to furnish them to the press, in case of misrepresentation:

"*Charge of Judge Carmichael, at Caroline and Kent Counties, in* 1863, *on the subject of Arbitrary and Unlawful Arrests.*

"Early after the outbreak of this unhappy war, it fell to my duty to charge the grand juries in Queen Anne and Talbot Counties. Persons pretending to act under Federal authority, had seized upon citizens without 'warrant of law,' and cast them into prison without the form of trial. I should be content here to dismiss this subject, and to send a copy of the charge delivered in those counties, as my instruction to you, gentlemen, in respect of *your* duty in *this* relation; but that many pretexts have been set up for such proceedings, which may tend to disarm the law of its obligations upon you to take cognizance of them.

"That charge contained little more than a recital of the law applicable to the subject now before you, including extracts from the Constitution of the United States, together with some historic reference to enforce its obligation.

"If it contained the law, then, and for those juries, the same is the law now, and for you, gentlemen. To the same effect have several of the courts in Northern States held the law within a few months, and many eminent jurists have lent the authority of their names in maintenance of its obligation. Is it possible for any to gainsay it? If it is so written in the Constitution, and if that which is written *there* be the law, *that a citizen is not liable to arrest without* 'warrant of law,' then he cannot be arrested without legal process, unless the Constitution has been repealed by the power which brought it into being, or unless it have been deposed by an usurper.

"That it has not been repealed by the authority which

created it, need not be said to you, because that could not be done without your individual agency in part. If you say it has been deposed, be that your part — not mine. Until a new regime is *declared*, my obligation stands in the terms and meaning of my oath, 'to support the Constitution of the United States,' and 'to bear true allegiance to the State of Maryland.' Your obligation is the same, and being the same, it is not necessary to say it is binding on your consciences, and ought to be supreme over your wills. It would be a disrespect, of which I shall not be guilty, to persuade your performance of a duty to which you have been sworn.

"What are the pretexts set up to justify the exercise of the power of arbitrary arrests? *Martial law*, it is said, *suspends the civil law, and where it obtains, the process of the civil law is dispensed with.* Let it be granted that such is the prerogative of the law martial, and how does the concession affect the question before you? Of what application is martial law in this jurisdiction? Martial law does not extend beyond the field of military operations and its immediate surroundings.

"Beyond these limits it may not be, and never was claimed to extend. Is it now claimed for the President, that he may proclaim the whole country his camp, and throughout all its borders his will taken in the place of law? None have *yet* gone to this extent. It *is* allowed to the scene of actual war, but is claimed only for the necessities of the field.

"An army in the field must be surrounded by defined limits or lines, as they are called, to be secure against defection from within, or from surprise or espionage from without. These lines are commonly declared, so that deserters may be prevented from going out, and spies from coming in. This, gentlemen, you understand. In such limits, the laws of war, or martial law, prevails, as it is proper it should. But here there is no enemy — no army — no field of war. '*Inter arma silent leges;*' but where arms are not, there the law obtains. If there be any treason here, the courts of law are open, and unobstructed, to punish any who may have incurred such guilt, and their jurisdiction extends to that offence. If there

be no field of war here, there can be no martial law. There *is* law, I trust, here—the civil law, whose ministers you are. The maintenance of martial law, where it belongs, cannot dispense with the obligations of the civil, where *it* belongs. A trespass by a military officer here, is the same offence as a trespass by a private citizen.

"Another of the pretexts is 'necessity.' *It is a necessity 'that the President should arrest whom he will, even if no actual violation of law have been committed: a necessity incident to war.'* And how, or why incident to war, more than to peace? When before was it suggested in this country, or in any land where law has held sway? It never has given sanction to any act in a land of law. It is the plea of force against law. It is the argument of an unlicensed will, which heeds no counsel but its own behests, and hurries to its ends, but recks not of the means. The powers of this Government are express and defined, and cannot be exerted otherwise than as prescribed.

"To preserve the citizen secure against the exercise of constructive powers, the Government was instituted in a written charter. This forbids his arrest, except upon warrant bearing the signet of the sovereign will. This signet is not confided to the Executive power. It belongs elsewhere. And except the seal of the proper officer, there is no sign which can challenge the citizen to submit to personal constraint. The *law* is absolute in its authority. Its officers are not, and no necessity can make them. They are designed to be the servants of the people, not their masters; the ministers of the law, not of their own wills. What they do as ministers of the law, is the act of the law, and binding upon all. What they do otherwise, is the act of the private person, and of no authority. All the sanction they can derive from necessity to act in violation of law, is the same which belongs to any private person, and that is just none at all. But I need not proceed further on this head. The exigency of *the law* is the only necessity known to our Government.

"But, most extraordinary of all, *it is said the form of the*

President's oath affords sanction for the power of arbitrary arrest. This requires of him 'to preserve, protect, and defend the Constitution.' Hence, it is argued, he may do whatever he thinks proper to preserve, protect, and defend the Constitution; that the means to be employed, and the manner of their use, are in his discretion. Stated in plain terms, the proposition means that the President may construe the Constitution in contradiction of its terms and meaning, and act upon that construction, because he is sworn to preserve, protect, and defend it. It would be waste of time and insult to your understandings to discuss the proposition. There is nothing so false that may not be asserted for truth, and there is hardly a truth which has not been questioned. But let us for a moment delay to apply this proposition to the subject before you—*arbitrary arrests.* The Constitution forbids arrests 'without process of law.' To preserve, protect, and defend the Constitution, the proposition asserts that *the President may arrest without* process. What the Constitution says he shall *not*, the proposition claims he *may do.* He swears to preserve, protect, and defend the Constitution, which forbids him to arrest a citizen without 'warrant of law.' With one hand upon the Bible, and with the other upon the Constitution, before his God and the country, he *swears.* Yet, we are told, no truth is meant by these facts, and only seeming in the ceremony. Can any man of truth or conscience hear of it without a shudder? It is usurpation in the name of the Constitution—it is falsehood—sacrilege in the name of the Most High. In the conceits of fatuous senility—in the inventions of corrupt cupidity—in the pleadings of fawning sycophancy it may find place. Nowhere else.

"But it has been said, we ought *to presume the President to be wise and good, and so, being in his hands, this power is safe.* Is this a *safe* presumption, in a land of law and liberty? If, however, *that* be conceded, would such a power be safe in the hands of every subaltern in his appointment? Can the President impart, by the breath of his nostrils, wisdom and goodness into the heart of every man employed to do his will?

Can he delegate these godlike qualities to every provost marshal and deputy provost in the land? And if to *all* these questions we should yield assent, still it is *forbidden* to arrest a citizen without 'warrant of law.' And my reading instructs me that it belongs nowhere *in all the powers and persons* of this Government to do what is forbidden; and that whatever is done which is forbidden, is wrong, and demands your cognizance. And now I dismiss you to your chamber."

The utterance of such instructions to the grand juries caused high resentment amongst "*loyal*" men. Judge Carmichael was denounced in several of the Republican newspapers, and efforts were renewed to bring down upon him the arm of Federal visitation; but the effect of the former outrage was satisfactory. It had disarmed the State jurisdiction of all power to hold a Federal officer or agent amenable to the offended law. The grand juries bowed to the necessity, and forbore presentments in the cases to which their cognizance was invoked. In this condition of things, when he found his position to be one in which he could render no service in the administration of the law, except by the sufferance of a power which transgressed at pleasure, and sustained its wrongs by the authority of brute force, Judge Carmichael resigned his place on the bench, and retired to the quiet pursuits of his farm. Into this retreat, multiplied testimonials of public favor have followed him. If he suffered wrongs in the service of the State, which the State was powerless to punish, no man was ever more proudly vindicated by his fellow-citizens in the proofs they have tendered him of trust and confidence.

LETTER TO THE PRESIDENT OF THE UNITED STATES.

"FORT LAFAYETTE, 21st July, 1862.

'To His Excellency the PRESIDENT:

"*Sir:* Will you allow the complaint of a citizen who is without redress, except in the exercise of Executive authority? For two months past, I have been imprisoned; yet, to this hour, from no person under the Executive authority has an imputation of offence been made to me.

"This imprisonment has been in military Forts of the United States, which imposes the conclusion it is under Federal authority I was seized and held.

"It has come to my knowledge that representations, by persons friendly to your Administration, who have been conversant with all my life — now far advanced — have been volunteered in my behalf; the purpose of which was to obtain my release. Without knowing what these representations are, I am content to refer to them for vindication.

"Since my transfer to this place, my attention has been called to a slip from one of the Baltimore journals — 'The Sun' — to the effect that my arrest and imprisonment were for 'treason, committed in the discharge of official duty.'

"To this, I cannot make issue, as no authority was given for the suggestion. But, by way of answer to all such imputations, I forward, herewith, to your Excellency, a copy of a charge delivered to the Grand Jury of Talbot County. In this is contained all my official action in relation to the Federal Government.

"Your Excellency will perceive that the whole extent of my offending is the claim for the maintenance of the Constitution of the United States as the supreme law.

"If in this there be any treason, then, indeed, I cannot claim to be released; but if the law be as declared in that paper, then is it too much to ask, in the name of the law, that I be discharged from these bonds?

"With all respect, I am your Excellency's most obedient servant,

(Signed) RICHD. BT. CARMICHAEL."

SECOND LETTER TO THE PRESIDENT.

"To His Excellency the PRESIDENT, Washington, D. C.:

"More than six months ago, I was seized and imprisoned by persons who were or pretended to be agents of the Federal Government. Until the 3d instant, I was detained in Forts under command of Federal military officers. On the evening of that day, Lieutenant-Colonel D. D. Perkins, commanding at Fort Delaware, where I was then confined, handed me a telegram, of which the following is a copy:

"'Dated War Department, December 2, 1862.

"'To the Commandant, Fort Delaware:

"'The Secretary of War directs that you discharge Judge Carmichael from custody. Report receipt of this.

(Signed) E. D. Townsend,
Ass't Adj. Gen.'

"On the morning of the 4th instant, on a pass to proceed thence with my baggage, I took my way home, having no reason for my release signified by the commandant at Fort Delaware, further than the exigency of the foregoing order contained in the copy of the Secretary's telegram.

"My seizure on the 27th of May last, and my continued imprisonment, were made without cause, imputed by the agents partaking therein.

"My discharge, in the manner above stated, in connection with these facts, indicates that the authorities with tardy progress have reached this point in my case, viz., that the accusation against me, and the accuser (if there be any,) have been discov ered false.

"In similar cases, no report of proceedings has appeared, by which the Government has undertaken to vindicate its own honor or the rights of the citizen. In mine, therefore, I can expect none. Every case has its own griefs. Your time shall not be occupied by a recital of mine. Such as belonged to my civil, political, and official relations were addressed to you long time ago by a venerated Senator from my State, the Hon. James A. Pearce, with no apparent effect but to enhance the vigor of existing outrage.

"Those which concern the more delicate — which have visited so many fair homes in Maryland with dismay and sorrowing — shall not be traced into mine, to move compliance with my reasonable request. As an American citizen — in the name of the Constitution — I ask to be informed on the following points:

"1st. Is there any 'information' lodged against me before the Federal authorities, and if yea, what?

"2d. The name or names of the persons giving the same, and the specifications?

"3d. By whose order, in *fact*, (not by intendment,) were the seizure and detention of my person?

"My object in addressing your Excellency, is to obtain the information by which I may apply such measure of redress in my own case as may be meet in respect of the wrongs done me and the *actual* guilt of the wrong-doers.

"I am your Excellency's most obedient servant,

(Signed) RICHARD BT. CARMICHAEL.

"Belle-Vue, 10th December, 1862."

JAMES M. WILLIAMS.

JAMES M. WILLIAMS resides at Spring Garden, Jefferson County, Illinois.

On the 1st of September, 1862, he was arrested in his house, by a squad of thirteen armed men, commanded by a Captain Davis, who gave as authority for the arrest, "*orders*" from Deputy Marshal Major Board, but did not show them. While remonstrating against the illegality of his arrest, he permitted himself to be quietly taken, counselling his friends, who were congregating, (many of them quite clamorous in their declarations to rescue him from the hands of the officer,) to keep quiet, and not disturb the public peace; deeming it better that one should suffer "even unto death," than that the community should be thrown into a tumult, and the blood of many should be shed.

An hour was granted him, by the Captain, in which to adjust his affairs, and comfort his family. He was then taken to Tamaroa, twenty miles distant, by rail, *handcuffed for forty-eight hours*, and placed, with other prisoners from Southern Illinois, on a special car in waiting, and guarded by a detachment of soldiers with fixed bayonets. Orders were given to shoot him, if he attempted to elude the vigilance of his custodians.

Thus guarded, he was transported to Washington, D. C., and incarcerated, with fifteen others, in room No. 16, in the Old Capitol Prison.

Here his fare

> "was such as captive's tears
> Have moistened many a thousand years,
> Since man first pent his fellow-men
> Like brutes within an iron den."

After an imprisonment of two months, Mr. Williams was released by taking the oath of allegiance, and placing himself under bonds. As was usual in other cases, no charges or specifications were ever made against him, nor any trial accorded him. He was discharged, and left to "guess" the reason, if any, for his arrest and confinement.

HON. DAVID SHEEAN.

THE arrest of Hon. David Sheean, at Galena, Illinois, on the 28th of August, 1862, was one among the many wanton and inexcusable acts of despotic power committed during the Administration of the late Abraham Lincoln. Mr. Sheean entered into partnership with John A. Rawlins, Chief of Staff to General Grant, and at present Secretary of War, in the practice of law, in 1858, and continued the partnership until the time of his arrest. He had been twice elected City Attorney of Galena, and once its Mayor — running far ahead of his ticket. As a lawyer, he stood high in his profession.

For honesty and honor his character was proverbial. The pride of his political and personal friends, he was esteemed and respected by all who knew him. Although an uncompromising Democrat, his bearing toward his opponents was candid and courteous, commanding their respect even during that period of frenzied passion which marked the inauguration of the late war.

A resident of Illinois from his childhood, he was opposed to the war, not from any sympathy with the South, but from principle. His opposition went no farther than the expression of his opinions to those who desired to hear them, and this right he maintained from the beginning, upon all occasions, and under every circumstance.

On the evening of the 28th of August, the United States Marshal, assisted by the Sheriff of Galena, arrested Mr. Sheean in his office, without any warrant, or other authority, save the following telegram from Washington City:

"WASHINGTON, August 27, 1862.

"To J. R. JONES, United States Marshal, Chicago, Illinois.

"You will arrest David Sheean, lawyer, at Galena, for disloyal

practices, and convey him to Fort Lafayette until further ordered.

"By order of the Secretary of War.

(Signed) L. C. TURNER, Judge Advocate."

What the "disloyal practices" were, Mr. Sheean was never informed, but they may be readily inferred from the following circumstances.

Every community, at that time, had its "loyal" bully, to regulate the opinions of Democrats, and incite mobs to acts of violence. Cowards and sneaks in ordinary times, they became heroes when numbers backed them in assaults upon single individuals. Galena had such in the persons of two brothers, named Harris. They assaulted a poor Irishman on the streets of Galena, because he refused to enlist unless he was paid his bounty in advance. Remarking that A. B., who had enlisted, had not yet got his bounty, and asserting his right to state this, they beat him most shamefully; then, with a howling mob at their backs, dragged him senseless to the County Jail, telling the Sheriff he had been discouraging enlistments, and must be imprisoned. That official being a "loyal" man, without any further authority, closed the door of a felon's cell on him. As soon as he recovered sufficiently, he sent to Mr. Sheean for relief. A writ of *habeas corpus* was immediately applied for, but the "loyal" Judge Sheldon, of that Circuit, had seen a telegraphic despatch to the "New York Tribune," that persons discouraging enlistments were to be arrested, and refused the writ on the ground that he had *heard* the prisoner was guilty of that offence.

In vain did Mr. Sheean point out the fact that the prisoner's petition stated he was guilty of no offence, and was imprisoned without affidavit or complaint filed against him. In vain did he urge the utter insecurity of liberty, even of the Judge himself, under such ruling; for this same Judge had declared in a public speech, that he who talked about the Constitution in those days *should be marked* as a traitor. Finding the writ of *habeas corpus* practically abolished by a partisan Judge, a trespass suit, for false imprisonment, for

ten thousand dollars damages, was then commenced against the Harris brothers and the Sheriff, who, being naturally cowards, now became alarmed at the turn matters were taking. They fancied they had every Democrat chosen for imprisonment, and had already got a second victim in the jail, and if not cheated, would soon fill it. But a claim of damages for false imprisonment before a jury brought them to their senses.

They ceased to send any more to jail, and sought the advice of E. B. Washburne, member of Congress from the district, as to how they should rid themselves of the suit. Now was Washburne's opportunity. Sheean was bold and fearless, placing himself in the pathway of loyal terrorism, and inspiring others with courage. If he were stricken down, the road would be clear to trample upon others. Washburne had the ear of the "Government." He could direct its right arm, the Secretary of War. Armed with such influence and a certified transcript of the trespass suit, he departed for Washington on his devilish errand. The foregoing telegram was sent back the day after his arrival. *The suit was dismissed for want of prosecution*, while Mr. Sheean was in Fort Lafayette, the plaintiff being then in jail. But on his return home he commenced the suit again, and had the satisfaction of hearing the verdict *guilty* pronounced against the Harris brothers, by a jury selected by a deputy of that Sheriff, and a judgment of damages upon the verdict entered by that Judge.

The arrest of Sheean was made so secretly, that but two of his friends knew of the occurrence, until he was far out of the way. The Marshal and his assistant, knowing his popularity, feared that a disturbance might be made, and desired to conduct him from his office to the train through an unfrequented street; but receiving his pledge that no trouble should occur, he was permitted to go the usual route. Arriving at the railroad depot, he found the instigators of his arrest had assembled to witness the effect of it upon him. A smile of satisfaction played upon

their countenances. They stared at their victim with a feeling of triumph.

He returned it with a look of proud defiance, feeling a loathing contempt for them. But few, however, of the Republicans of Galena justified the proceedings. The larger portion of them felt it was wrong. The whole community, with but a few dishonorable exceptions, declared that he was the innocent victim of Harris and Washburne. Even the officer who arrested him declared afterward that no act of his life gave him so much pain as the arrest of Mr. Sheean. Being unprepared for the journey, he desired time to obtain funds, and write a letter to a friend, directing him to take charge of his affairs. But in such haste had the arrest to be made, that it was denied him. On arriving, under guard, in New York, the "Inner Temple," with its prison cells and iron-grated windows, at the police headquarters, became his tenement until the prisoners' hack was obtained to convey him to Fort Hamilton. Arriving there, Lieutenant Colonel Burke's receipt discharged him from the custody of the Marshal, and placed him under military authority. Then, conducted between two files of armed soldiers, he was conveyed across the channel to that silent tomb of living heroes—Fort Lafayette.

Thus guarded he was taken into the presence of the commandant, who divested him of his watch, money, and other valuables, and then subjected his person and baggage to a strict search. He was then sent to the battery, and furnished, like the other prisoners, with an iron cot, a straw mattress, and a blanket, there to await "further orders."

To the spirit of Mr. Sheean, and others there like him, it was a long and weary waiting. Marched to and from their meals like felons, and guarded by armed sentinels while eating — watched by day and night by the tools of despotism — restricted to a limited intercourse with each other — insulted daily by an overbearing soldiery, and forced to submit to rules designed to degrade and humiliate, the plan was well calculated to break down the boldest spirit, and bring it lacerated and bleeding to the foot of power. Galling

as it was, Mr. Sheean bore up under it without complaint, and, conscious of his integrity, defied its influence. On the 9th day of September, 1862, that lackey of tyranny, L. C. Turner, who had been invested by his master with the title of Judge Advocate, accompanied by his clerk, visited the Fort on one of his inquisitorial expeditions, seeking what information he could get from the prisoners, and reporting it to Washington.

Mr. Sheean was ordered before him, and, after the customary salutations, the following colloquy took place:

TURNER. "Well, have you anything to say?"

SHEEAN. "I wrote you a letter from Chicago, inquiring of what I was accused, and who was my accuser. I have received no answer; I would be pleased to get that information."

TURNER. "I received your letter, (looking cunningly;) don't you know of what you are accused?"

SHEEAN. "I do not."

TURNER. "Well, now, couldn't you guess?"

SHEEAN. "I have n't the remotest idea, sir. I supposed when a man was arrested he would be informed of the cause, and at whose instance; not be required to *guess.*"

TURNER. "You commenced a trespass suit against Harris, I believe?"

SHEEAN. "I did."

TURNER. "Was your client wealthy? Did you make any agreement about fees?"

SHEEAN. "No; my client was a poor man; I thought a great wrong had been done him. I did not ask him for fees, or expect any; I acted from principle, and would do the same again."

TURNER. "Are you willing to take the oath? You are a lawyer, I believe, and have taken the oath to support the Constitution; *but it is a little different now?*"

SHEEAN. "I have not seen the oath you speak of, and do not know what it is. The oath I have taken, I am willing to take again upon a proper occasion; but I would not take

that now as a condition of release from this place, or voluntarily submit to any other condition that would imply wrong on my part."

TURNER. "That is all we want of you, sir; you can return to your quarters."

SHEEAN. "Then you will give me no further information?"

TURNER. "That is all—that is all, sir."

Mr. Sheean was then remanded in charge of an orderly to his quarters. Finding he could get no information from Turner, he wrote to the Secretary of War, urging his right to be informed of the accusation, and the accusers against him, if any there were; but no response came to him, or to others who had written, except to a negro named Steve, who had been taken upon a blockade-runner and put at cooking in the Fort. Steve was an ardent rebel; declared he would take "no oaf to de Yankees," and gloried in the fighting qualities of "Massa Stonewall." Becoming tired of his limited sphere in the cook-room, he took the advice of one of the prisoners, and wrote a letter to the Secretary of War, informing him that he was a "colored man," and desired to be released. The return mail brought an order for his discharge, and he was set at liberty. The negro could readily receive attention, but the unfortunate white man was doomed to wait.

It is difficult to realize the situation of the prisoners at that time. It was before the fall elections of 1862, which, to a great extent, burst open the doors of American Bastiles. The Administration had laid a reckless hand upon thousands. The tinkling of the "little bell" was heard on every hand. The people were becoming accustomed to it, and by their silence apparently approved it. Those within Fort Lafayette well knew that despotism would not stop at depriving men of their liberty. Some advance steps would be taken. Blood would soon be required to keep alive the terrorism created, and executions would speedily follow. The prisoners realized this to the fullest extent, and frequently talked

about it, each marking out for himself a line of conduct in that event. Relief from outside they could not procure; they were tightly held in the iron grasp of power, and not a murmur of complaint could reach their friends. The walls of the Bastile were dumb; its inmates were gagged, and as completely separated from the people as the living from the dead. Their letters to their friends containing hostile sentiments toward the "Government," or any prominent member of it, were sent to Washington, and filed away as evidence of treason. Those relating to their treatment were refused admission to the mail and returned to the writer.

The extent to which the latter was carried may readily be seen from the following extract, marked objectionable, and returned to the writer:

"It is not very generally healthy among the prisoners. Should we have serious sickness added to our other afflictions, we shall, without hesitation, avail ourselves of your kindness."

This letter was addressed to Mrs. Gelston, who, together with Mr. Hopkins, living near the Fort, had, more than once, gladdened the prisoners' hearts by sending delicacies which could not be procured within the Fort. It was in reply to her note, saying that, if any of the prisoners were sick, she would be happy to send them anything that would relieve them; that she "could not release, but could relieve."

But the result of the fall elections brought a feeling of relief. In it, the prisoners heard the tramp of millions coming to their rescue. Who can say that their fears would not have been realized had those elections resulted differently? The "Government" now dared not try its victims, for that would reveal its villany; but, as a condition of release, exacted an oath from them that would secure it against legal proceedings. Many a brave heart, sick with "hope deferred," yielded to the terms imposed. But Mr. Sheean was yet unconquered. His brother, a lawyer at Anamosa, Iowa, wrote him, urging him never to yield; that he would rather follow him to his grave than have him submit.

The following reply, which found its way out of the Fort in the pocket of a released prisoner, shows there was no need of the advice:

"FORT LAFAYETTE, November 10, 1862.

"DEAR BROTHER: Your highly appreciated letter of the 4th inst. is received. It was thrice welcome, because of the noble and resolute spirit breathed in every line. Had there been one drop of cringing blood in my veins, your letter would have driven it out; but I had long previously determined upon the course approved in it. Let come what will — even eternal imprisonment — no man shall have it to say that I voluntarily disgraced myself or my friends to purchase my liberty. No conditions have ever been offered me to obtain a release. It was known in Washington, as early as the middle of September last, that none would be accepted. My rights are all I ask, and knowing what they are, I will never yield them. While I hold myself responsible to the laws of my country and to public opinion for every act of my life, I ask only that naked justice be dealt out to me by those who are, or ought to be, its executors. These being my views, my stay here will be prolonged indefinitely. So be it. I suppose Fort Lafayette will last as long as my resolution; but while I feel as I have since its doors closed upon me, it shall witness my release from this world, rather than from its own walls, upon conditions unauthoritatively and arbitrarily imposed. Your brother,

DAVID SHEEAN."

As Mr. Sheean predicted, his imprisonment was prolonged, and would have been indefinitely, but for the causes operating upon Washburne stated in the narrative of the arrest of Mr. Johnson.

Determined, however, to test his resolution, the Secretary of War, through L. C. Turner, sent an order, on the 13th day of December, 1862, to release him upon his parole.

The Commandant very earnestly urged him to accept it, and thinking he might yield, would not take his answer until the end of an hour; then he wished to know what reply he should telegraph back. "Telegraph," said Mr. Sheean, "that

I will accept no conditions if I stay here a lifetime, and send this letter, giving my reasons for it;" handing to the Commandant the following letter:

"FORT LAFAYETTE, December 13, 1862.

"Major L. C. TURNER, Judge Advocate, Washington City:

"*Sir:* Your order for my release upon condition that I would give my parole that I would conduct myself as a loyal citizen, and would not aid the rebellion, has been presented to me.

"You well know, both from your interview with me here on the 9th of September last, and from my letters which have been intercepted and sent to Washington since that time, that I would accept no conditions to get out of Fort Lafayette that could by implication place me in the wrong. You learn, too, from those letters, that I value my honor more than my life. Why, then, add insult to already accumulated injuries, by requiring me to make an admission of consummated and intended crime as the price of my liberty. It is intended that, after an attempt to destroy everything I hold dear, I must be degraded, in order that unauthorized and unwarrantable proceedings against me may be palliated — that enemies who have wickedly aided an exercise of arbitrary power to wrong me, may have an opportunity to justify their infamy by my own admissions? My liberty has been taken from me — my life can with equal right be taken; but *my honor is my own*, and I shall keep it even at the expense of both. I have heretofore lived true to the best interests of the Union and Constitution, and expect to die as I have lived. If the Government have any charges against me alleging the contrary, it is due to itself and to me to put me on trial. Let me suffer the penalty, or permit me to vindicate myself by an acquittal. It is due to itself to punish the guilty and acquit the innocent — to protect and advocate the citizen — not to violate his rights, and then degrade him.

"Were I in the wrong — had I violated as much of the Constitution as has been done in my arrest by a telegraph; spiriting me away over a thousand miles from my own State, and incarcerating me for fifteen weeks, without condemnation or trial, or a knowledge why I was thus treated — I would not hesitate to purchase my liberty at so cheap a sacrifice as the loss of whatever honor was left in me. As I know I am in the right, and

have never violated any law, I shall never cringingly ask any favors, much less admit, by implication or otherwise, any guilt; but insist that my rights as an American citizen shall be dealt out to me. The Government should not demand more; my sense of honor will not allow me to accept less. *If my rights will not be granted*, then I am at the further disposal of the powers that be, to execute upon me what they see fit, and have the *power* to do. Yours respectfully,

(Signed) DAVID SHEEAN."

The following editorial comments are a just tribute to the spirit shown in the foregoing letter:

From the Galena "Daily Democrat" of December 24.

"NOBLE SENTIMENTS.

"In our last issue we placed before the readers of the 'Democrat' a letter, written by David Sheean, Esq., just after his release from Fort Lafayette, and addressed to a personal friend of his in this city. We to-day print a letter written by him on the 13th instant, and addressed to the Judge Advocate, in reply to an official intimation that he would be discharged on his parole, by taking an oath similar to the one which has been administered to others in like circumstances.

"As will be seen, he indignantly spurned the proposal, fair enough on its face, but evidently intended to entrap an innocent man into that which might be construed to his disadvantage. But Mr. Sheean, conscious of his innocence, and determined to come out of the furnace into which he had been cast without the smell of fire upon his garments, rebuked the insolence of office, and stood firmly and defiantly on his integrity, and boldly vindicates his patriotism and his manhood. From our heart of hearts we thank him for his manly display of moral courage, and we put it on record, as an example worthy of being imitated by the young men of our State and nation. In a few hours he will be with us, 'honorably discharged,' and spontaneously honored by his friends and fellow-citizens. Let it never be forgotten that he refused to bow the knee to Baal, or worship at the bloody shrine of Moloch. If guilty of any crime, let him be fairly tried and justly punished, but until confronted by his

accusers, let him be held as innocent as Cæsar's wife — 'not only free from guilt, but above suspicion.' O liberty! what crimes are perpetrated in thy name!"

On the following day after this letter was written, Mr. Sheean was unconditionally discharged. He was set at liberty in New York, to make his way home as best he could. No trial or examination was ever offered him. No charge was ever made against him. He was never informed who conspired against his liberty or by what means his arrest was brought about; all this he was left to surmise. Without even an apology for his four months' incarceration, he was turned out of the Bastile, injured in health and ruined in business, with a feeling of genuine hatred for the cause that demanded the sacrifice, and sharpened to recklessness by the wrongs he had endured.

The arrest of Mr. Sheean operated the reverse of what was intended. Instead of intimidating, it stimulated his political and personal friends. He who dared to justify was quickly silenced. They declared themselves ready to follow him — his cause was theirs, and they openly became his champions.

The City Council of Galena unanimously passed resolutions condemning the act, and requesting of the Government a speedy examination of his case and that of Mr. Johnson. One thousand citizens of Galena, including a company of volunteers, signed a petition of the same purport. A request for an examination of the cases was extorted from the Governor of Illinois. General Rawlings sent to the Secretary of War a similar request as to Mr. Sheean, indorsed by General Grant, but all to no purpose.

The sullen despot at Washington heeded not prayers, petitions, or appeals for justice. That piece of loyal corruption — Washburne — was at "Court," and his ends were not yet accomplished. His will had imprisoned, and his will alone could release. It is a fact worthy of note, that out of twenty-five letters written by Mr. Sheean, while imprisoned, con-

taining denunciations against Washburne, none ever reached the persons to whom they were written; and it is supposed that Washburne to-day is the possessor of them.

After Mr. Sheean's return to Galena, the Democrats, being determined to rebuke his enemies and reward him, induced him against his desire to be their candidate for Mayor of the city, and elected him by a vote of two to one for his Republican opponent, it being the largest vote ever given for a municipal officer in Galena.

GEORGE W. WILSON.

GEORGE W. WILSON, of Upper Marlboro', Maryland, was arrested for the publication of an article in the Marlboro' Gazette, of which paper he was the Editor. The article in question was a criticism upon the unjustness of the apportionment of the population of his State, which included white and black, freemen and slaves, in the basis for a draft.

The apportionment made three-fifths of the slaves and free colored population *a part of the militia of the State*, when the Bill of Rights, the Constitution, and the acts of the Legislature distinctly declared the militia of the State shall consist only of that portion of her *free white* citizens who are between the ages of eighteen and forty-five years.

On the morning of the 15th of October, 1862, his house was searched in his absence by a Government Detective, who said that he was searching for Government stores, but failed to find any. He was supported in his nefarious work by a squad of soldiers, under the command of a Captain Bullock.

Upon Mr. Wilson's return to Marlboro', at noon, he reported himself to the Captain, who at once put him under arrest. After a private and informal examination of his case before the Provost Marshal of the County, the Detective, and the Captain, during which time these functionaries had quite a sharp discussion as to who had the greatest power in the case, a parole of two hours was granted the prisoner, when he was to report, and hear what disposition had been made of him.

At the expiration of the allotted time, he found a horse in readiness, and was told that he was to be taken to Washington. Thither he was conducted, and arrived safely at the Old Capitol, at 9 o'clock P.M., where he was lodged, with ten

or twelve other prisoners, in room No. 16. At the examination in Marlboro', the Marshal and Detective acquitted him fully of the charge alleged, but the Captain arraigned him upon the editorials published in that morning's "Gazette.' He read and re-read them, torturing the language into an "interference with the draft," and charging him (Wilson) with sarcasm, in calling his soldiers "the sons of Abraham." He defended himself by asserting that it was a cognomen of their own choosing, and quoting in support a popular air of the day. His escape from the civil authorities, (the Marshal and Detective,) and his arrest by the military, brought to mind the situation of the Irishmen in 1798:

> "Them were hard times for an honest gossoon;
> If he missed of the judges, he met a dragoon:
> And whether the judges or soldiers gave sentence,
> The devil a short time they gave for repentance."

During the few days Mr. Wilson was an occupant of the Old Capitol, and an inmate of room No. 16 of the famous — infamous, rather — Bastile, he made his room-mates forget, most of the time, that they were victims of despotism. His *bon-mots* and witticisms seemed inexhaustible, and the vivaciousness of his temper tended to dispel the *ennui* which had settled upon them.

Nor did his interest in the well-being of his fellow-prisoners cease with separation from them. No sooner did he reach home, some twenty miles from Washington, than he despatched a large box of provisions, which he knew, by his six days' experience of the treatment of prisoners of state by the Administration, they much needed. Mr. Wilson's genial nature and liberal and gentlemanly conduct will ever be held in grateful remembrance by his fellow-victims of despotism of room No. 16, Old Capitol Prison.

After remaining in the modern Bastile for six days, his case was taken up, and he was discharged, mainly through the exertions of the Hon. Charles Calvert, representative in Congress from his district.

J. BLAKE WALTERS, ESQ.

J. BLAKE WALTERS, Esq., is a native of Clearfield County, Pennsylvania, was born in that county in 1840, and has always resided there, with the exception of about a year spent in Baltimore, where he was employed in the office of the Division Superintendent, Northern Central Railroad, and at which place his arrest was made. His father was a member of the Pennsylvania Legislature during the sessions of 1847–8–9, and, in 1856, was elected Prothonotary of the county. He died in 1859. His son, Blake, was a clerk for him in the office of Prothonotary; subsequently he was engaged in the lumber and mercantile business for two years, and for three years has been the law partner of the Hon. W. A. Wallace, in his native town.

His arrest took place on Friday, the 6th of January, 1865, at 1 o'clock P.M., in his office in Baltimore, by a Government Detective, who took him thence to Colonel Wooley's office, at the corner of Camden and Eutaw Streets, where he was given in charge of the guard, and locked up in the old negro jail, or "Slave Pen," with some forty other prisoners, mostly deserters and bounty-jumpers. The room was in a filthy condition, being alive with vermin, and without furniture of any description. At 7 o'clock P.M., he was ordered to prepare to go to Harrisburg, Pennsylvania. He asked permission of the Detective who had him in charge, to stop at his boarding-house, on the way to the depot, to enable him to obtain some clothing. This was refused, the Detective saying that he was not permitted to take a prisoner into any house. On arriving at the depot, he requested one of the clerks to go for his shawl, which he did, but did not get any other clothing. He was then taken on the train to Harrisburg, where

he arrived at 4 o'clock P.M., on the 7th, having been detained by an accident on the road.

Here he was turned over to Captain Thume, Provost Marshal, who sent him under guard to the "Exchange Guard House," on Walnut Street, opposite the County Jail, where he was ushered into a room on the second floor, twenty by forty feet, with fifty-three prisoners, among whom were a number of persons from his own and Jefferson County. The room contained neither beds nor other accommodations, and the prisoners were compelled to lie upon the filthy floor. From 6 P.M. until 6 A.M., no prisoner was permitted to leave the room. A half-barrel vessel was given them to be used for the purposes of nature; and before morning the vessel would be overflowed, and the contents running over half the floor, wetting many of the prisoners. Imagination could scarcely conceive a more horrible place.

A hot stove in the room, made necessary by the intense cold, caused a most abominable stench, sickening many of the prisoners, who were compelled to use the tub already overflowed. This was the case when the room contained fifty-three persons. What must it have been when from seventy-five to one hundred occupied it, which was not uncommon?

The prisoners were marched in a body to the Soldiers' Rest, opposite the Pennsylvania Railroad depot, three times a day, for their rations of bread, meat, and coffee. For dinner, they were given vegetable soup in the place of meat. They had as much of these articles as they wished. The bread and coffee were reasonably good, but the meat was not. Mr. Walters was removed from this "Black Hole" on the 17th of January, when, in company with ten others, he was taken to Fort Mifflin.

Here he was immured in a bombproof, with forty-one other prisoners, from his own and adjoining counties, comprising drafted men, deserters, and bounty-jumpers, but the greater portion, by far, were like himself, prisoners of state, who did not know of what their offence consisted. The bombproof is an arch of brick and stone, laid in cement, and

intended to be proof against shot and shell. The room is about twenty by sixty feet, and twelve feet high in the centre of the arch. The walls are from five to six feet in thickness, on the top of which is thrown from five to ten feet of earth. The floor is of cement, and has the appearance of hard earth. There was a grate in one end of the room, in which they kept a fire of anthracite coal constantly burning, the chimney of which smoked so badly that the eyes of the prisoners were continually sore. In the opposite end there were nine crevices, three by fifteen inches, through which all the light and air passed that were admitted into the room. There were also a number of similar crevices along one side, but these they were obliged to keep closed on account of the coldness of the weather. It was so dark that in no part of the room could any one see to read or write a word at midday, without a candle; and had the weather permitted them to have kept all the crevices open, there would not have been enough light admitted to allow of either reading or writing.

There were no bunks or accommodations for sleeping, other than a few loose boards thrown along either side, upon which they slept. Each prisoner was furnished by the Government with one blanket. These were their only beds — if beds they could be called — until the 10th of February, (seven days before they were re-transferred to Harrisburg,) when bunks were put in for them. Five days afterward, some hay was furnished them to put on their bunks, and a few wornout bedticks were given to the old and sick.

Each prisoner was provided with a tin cup and spoon, for which he paid the sutler thirty cents. This cup was all they had in which to get their rations, served up to them in this manner: In the mornings, each drew an eighteen-ounce loaf of bread, a small piece of meat, and a tincup of coffee. This was all the bread and meat furnished for one day's rations. The bread was good, but the meat was very indifferent. Once or twice a week they were given fresh beef, and the balance of the time they were furnished with a poor quality of bacon. The coffee was not the article fur-

nished by the Government, but an inferior quality of patent coffee, purchased, probably, at one-fourth the cost of the genuine article, which they were obliged to use, while the proceeds of that which was intended for their consumption passed into the pockets of those connected with the Commissary Department. For dinner, they were given a tincup of bean-soup, made by putting the beans in the water in which the meat used the previous day had been boiled, and cooking them a few hours. It was repulsive even to hungry men, and could scarcely be made more unpalatable or unwholesome. At supper, they were again given a cup of the same kind of coffee as was served in the morning. They had the privilege of purchasing a few things from the sutler, at three times their value, but they were of but little use, having no conveniences for cooking.

Their daily ration of water for fifty-two persons, who then occupied the room, consisted of as much as they could bring twice, in a half barrel, from the Delaware. This was all they had for drinking and washing purposes for twenty-four hours.

Here, as at the "Exchange," at Harrisburg, they were furnished with a half barrel, for the same purposes, and with the same results. This they emptied into the Delaware, at the same wharf where they obtained their drinking water. Two-thirds of the prisoners being ill with diarrhœa, caused by the food and water, were compelled to use the tub for the calls of nature, and this being kept in the end near the crevices to avoid the fire, emitted a horrible smell, which was carried by the current of air through the middle of the room, and thence out at the chimney. The only vessel they had in which to wash and boil their clothing, was a two-gallon tin bake-pan, until a short time prior to their departure, when they were provided with two rusty camp-kettles. The air was very damp, and during the greater part of the night it was so cold that they were unable to sleep.

These rooms had never been intended by their builders for the confinement of prisoners, as the dampness must, in a

short time, impair, if not destroy the health of those having the strongest constitution—as the appearance of the prisoners confined with Mr. Walters fully testified. During his imprisonment in the Fort, he was detained in close confinement, except when he volunteered to go out and work, which he did several times in order to get fresh air.

The only kind of work the prisoners could get was cutting and wheeling ice to fill the ice-house, or shovelling gravel on a new road, which was being built from the Fort to Bell's Station, on the Philadelphia, Wilmington and Baltimore Railroad. The work, although not of a very pleasant character, was not half as bad to them as the sense of having a guard at their backs, with a musket and bayonet, watching them as though they were criminals. To Mr. Walters this was very humiliating.

On the morning of the 17th of February, after a confinement in the Fort of thirty-one days, he, together with six others, left for Harrisburg. They were forced to walk to Philadelphia, a distance of six miles. The road was slushy and slippery, making it a difficult and painful undertaking to some of the party, as Mr. Hubler, one of them, was very old, and Dr. Krise, another, had just been taken out of the hospital. They arrived at Harrisburg at 4 o'clock P. M. on the same day, and were lodged in the "Exchange." He found this place, if possible, more filthy than when, a month previously, he left it for the Fort.

Mr. Walters now for the first time was enabled to find out the charges upon which he had been arrested. He had made inquiry at the Provost Marshal's office in Baltimore, when first arrested, and was told that they did not know what the charges were. This he felt satisfied was false, as an article appeared in the "Baltimore Clipper," a few days afterward, stating that he was a "desperate character," and the "leader of the Clearfield County rioters." This information, he was confident, came from the office of Colonel Wooley. On being turned over to Captain Thume at Harrisburg, when first taken there, he asked for a copy of the charges against him,

which the Captain promised to furnish on the following Monday, but which was never received. He had frequently demanded the nature of his offence, but failed to elicit it, and, after an incarceration of forty-three days, was informed of it by his friends, which was: "of being an officer of a secret organization to resist the draft."

The affidavit on which his arrest was ordered was made by John L. Loder, of Bradford Township, who *swore* that Mr. Walters had acted as chairman of a meeting at Knept's barn, held during the previous September or October, for the purpose of resisting the draft, and that he had sworn the men present to do so. To prove this a falsehood, we need only mention that he left the county on the 12th of September, returned on the 26th, remained during the court term, and on the 2d of October left for Williamsport, and did not again return to the county until after his release.

The meeting of which Loder gave an exposition was held in July, its object being the thorough organization of the Democratic party of the township, preparatory to the special election on the 4th of August, 1864, this duty having been assigned to Mr. Walters by the Chairman of the State Central Committee for that purpose. Loder afterward came to Mr. Walters, at the "guard-house" in Harrisburg, at the time his trial was about to commence, and in the presence of Daniel Curly, informed him that he had told the Judge Advocate to destroy the affidavit, as he had been "entirely mistaken," both as to the time of the meeting and its object, and that he would not appear against Mr. Walters; and further, that he would swear that resistance to the draft or Government had never been mentioned in said meeting.

This statement was made voluntarily, as he had not spoken to Loder since his arrest. Further conversation with him convinced Mr. Walters that he (Loder) had been made to serve the wishes of S. B. Benson, who no doubt conducted the prosecution to revenge himself for an altercation, which had taken place a few months before at Philipsburg.

On the evening of the 22d of February, Mr. Walters was

taken to the court-house, and handed a copy of the charges and specifications against him by Captain Johnson, Judge Advocate. He was then sent back to the "guard-house," after being informed that his trial should commence in the morning. The following morning, H. Bucher Swoope, Esq., called on him, with some other friends, and expressed a willingness to assist in obtaining his release. Mr. Walters told him that he was weary of his imprisonment, but would make no concessions that could in any way sacrifice his manhood or honor, to secure his liberty.

On the 27th of February, the prisoners were all removed to the guard-house connected with the cotton-factory barracks, which, though unfit for the confinement of human beings, was much better in every respect than the "Exchange," which had become so filthy that persons visiting their friends confined there could not, after leaving the pure air of the city, endure it more than a few minutes, without being sickened by the intolerable stench which pervaded the room.

On the 1st of March, Mr. Walters and five others from his county were marched to the Provost Marshal's office, where they were released on taking the oath of allegiance, and also an oath to report in person when requested by the officer commanding the Department. The oath of allegiance was the same as usually administered.

Thus ended fifty-four days' of imprisonment in one of the Military Bastiles, for a purely imaginary offence, to satisfy the malice of a satellite of tyranny.

His political friends used every effort to get him released or tried, but their efforts were looked upon with suspicion, and their requests treated with contempt by those having immediate charge of the Department at Harrisburg.

MAJOR JACOB WILLHELM.

THE circumstances attending the arrest of Major Willhelm were of a most painful character, and it was one of the most glaring usurpations of power we have been called upon to narrate. It shows one of a thousand instances, where an unoffending man has been torn from his home and family at midnight hours, dragged by a ruthless soldiery through the intense cold of a December night, thrust into a prison-pen twelve miles distant, and afterward detained in prisons so damp as to be fit only for toads.

Jacob Willhelm was born in Northumberland County, Pennsylvania, in 1805, and is, consequently, 64 years of age. He has always been an honest, hard-working man, having "eaten his bread by the sweat of his brow." He has been a firm and conscientious defender of the principles of Jefferson and Madison, opposing as firmly in 1861 the hydra-headed doctrine of secession, as he had through a long life the pernicious doctrines of centralization, miscegenation, and abolitionism, with their concomitant train of evils.

He has at different periods of his life held the offices of Captain and Major of the State Militia, and at present is Associate Judge of the Court of Common Pleas of Clear field County.

He is an upright, highminded man, and commands the respect and confidence of all who know him. Opposed to coercion and the war, he nevertheless, as a law-abiding citizen, obeyed the laws and acts of Congress, and gave his time, influence, and money toward the raising of volunteers and substitutes to fill the quota of his township, and relieve it of the heartless tyranny of a conscription; having spent in all about $2,200 for commutation money, in raising volun-

teers, and for his board and physician's bill during his arrest and imprisonment.

In 1862, his oldest son and son-in-law enlisted in the army and served for three years. In the same year, his township raised money by subscription to avert the draft. In the year 1864, three drafts were made. The endeavors to raise funds to fill the quota of men required, without a draft, in his township, having proved futile, a draft took place, and his second son was one of the number drawn, for whose exemption the Major paid $365.

The same son was at the time clerk for an ironmaster, named Lyon, in Jefferson County, Pennsylvania, who discharged him for manfully refusing to vote for Mr. Lincoln, contrary to his convictions, saying that he did not think it safe to employ clerks who did not look to their employers' interest. His third son was drafted in the same year, and paid $940 for a substitute. Four of his family were then either drafted or in the army. One son only remained, and he was under the required age.

Major Willhelm was arrested at midnight on the 24th of December, 1864, by a detachment of soldiers from the 16th Regiment Veteran Reserve Corps, then stationed at Philipsburg, Pennsylvania. His son, having taken a drafted man to the headquarters to report, was compelled to convey the detachment of soldiers who made the arrest of his father, and threatened with imprisonment if he should refuse. When the squad came to his house, they had two of his neighbors under arrest. The posse consisted of six men, who hastily thrust him into his sled and conveyed him to headquarters, where he arrived about daylight.

Here he was confined in what had formerly been an old mill, but which was now converted into a barrack for the troops. It being Sunday, his friends endeavored to get him released on parole, or on bail, until the following day, when he was to be taken East. The officers at first refused, but at length moderated their stringent measures so far, as to grant him the freedom of the town on bail, with the condition that

he was to report at 10 o'clock A.M., on the following morning. At the expiration of the allotted time, he reported himself at the headquarters, and was marched, under guard of two men, to the barracks, there to await the departure of the train for Harrisburg.

While standing before the grate in the "Spread Eagle" Hotel, he was closely questioned as to several political gatherings that had been held in his township, and, at one of which, he had acted as president. The meetings in question were held at the instigation of the Chairman of the Democratic State Central Committee, for the organization of the party in the township, prior to the election of October of the same year; and which the heated imagination of the "patriots" had converted into resistance to the draft and subversion of the Government.

He was taken thence direct to Harrisburg. Arriving at Tyrone, he wrote to Mr. Lamberton, attorney at law, in Harrisburg, soliciting his professional services. Mr. Lamberton not being at home, Mr. D. Fleming called upon him, and subsequently assisted the former gentleman in conducting his case.

While confined at the "Exchange Guard-house," admission was persistently refused to his friends who called upon him. Hon. Wm. A. Wallace, Senator from his county, was at first refused admission, but was subsequently admitted through the influence of Mr. Fleming. He and his fellow-prisoners were offered their liberty by prominent Republicans, if they would debase their manhood and become members of their party.

This disgraceful proposition, worthy only of the men who offered it, was manfully and indignantly refused. On the 4th of January, 1865, he, together with several others, was transferred from the loathsome "guard-house" to Fort Mifflin, near Philadelphia.

Arriving in that city, they were placed in the fourth story of the barrack at Fifth and Buttonwood Streets, and left during the night without food or fire, in a room in which

nearly all the glass was broken from the windows, and through which blew the chill blasts of winter.

In the morning, Major Willhelm was furnished with some bread and meat, and taken to the depot, where he stood until between 3 and 4 o'clock P.M., when he was started for Fort Mifflin.

Arriving there about dark, he was immediately immured in a bombproof about sixty feet in length by twenty feet in width, and about twelve feet in height from the floor to the apex. This room had but nine small crevices at one end, for the admission of light and air, those upon the side being kept closed on account of the intense cold. In this room were huddled about forty persons, a majority of whom were confined for political offences. These persons, groping around in the dark — for at no time was there light enough to see to read — and all inhaling the vitiated air of the room, presented a picture which has scarcely a parallel in the prison annals of the world.

The room had but one small grate, and this emitted an insufficiency of warmth, causing much suffering among the prisoners, who stood by it in turns, some roasting, while others stood back shivering with cold. This alternation of positions caused the retiring party to suffer more severely from the fact that they could see the fire, but not feel its warmth, and dared not in honor advance until the proper time. They had neither chair, stool, bench, nor bedstead, and were compelled to lie and sit upon a few boards thrown loosely down on the floor, while the dripping from the walls and roof either ran on the cemented floor or formed icicles and glades of ice on the walls. Those who had no blankets were furnished with old ones by the Government, some of which were full of vermin.

Major Willhelm had not been long imprisoned, when he discovered that the sudden change from an active out-of-door life to confinement in a loathsome cell was impairing his health; which continued to grow worse daily, and finally reduced him to the portals of the tomb.

The fare was meagre, the only good article furnished them being bread, but this was insufficient in quantity. The meat was such as was fed to prisoners at the other Forts, *much of it putrid;* and the coffee was a vile compound wholly unfit to drink. This regimen was sometimes varied by giving them bean or pea soup, a shadow, void of substance. There was a sutler-shop in the Fort, where those who had money might make occasional purchases, paying extortionate prices for everything. They were compelled to go under "a guard," who always expected "his whiskey" for his trouble. Nothing was done gratuitously. Cold boiled hams and bacon were the principal meats purchased: the former was generally of good quality, but the latter was as rusty as though it were a remaining portion of the provisions of the Argonautic Expedition.

Boxes of provisions sent to the prisoners were opened, and their contents examined; ostensibly to prevent the smuggling of liquor to the prisoners, but in fact to divide their contents with the officers, who took a large share.

As time elapsed, Major Wilhelm found his health rapidly declining. He became very weak, sometimes scarcely able to walk. Thus far, all the exertions of his counsel and the untiring efforts of his friends to procure his release had been abortive.

On the 17th of February, he with several others, was taken to Harrisburg for trial, after an incarceration in Fort Mifflin, of forty-four days. Through the intercession of Hon. Wm. A. Wallace, he was granted the limits of the city, which somewhat ameliorated his condition. His parole was to extend to the time that his trial commenced, about a week afterward. He was then turned over by Captain Thume to Judge-Advocate Johnson, who renewed it for him, but required him to report at 9 o'clock A.M., daily.

Shortly after the extension of his parole, he was confined to his bed in the "Bolton House," for five weeks, with scarcely a hope of recovery. But, through the attentive care of his wife and son, together with the best medical attend-

ance, he was enabled, by this time, to bear the fatigues incident to a journey home, permission to take him thither having been granted.

His trial lasted two weeks, and for two weeks more he was held in uncertainty as to the findings, which proved to be "guilty," with a sentence of two years' confinement in a Government Fort, and a fine of $500. Guilty of what? Guilty of having exercised the right of an American citizen, granted to him by the Constitution of his country! Guilty of having — by the voices of his fellow-citizens — presided over a political meeting of Democrats, and of having concocted plans for defeating his political opponents! A heinous crime, certainly!

Before his departure from Harrisburg, he was raised up in bed, and required to sign a parole, agreeing to report himself, when called upon to do so. Being unable to write his name, and totally unconscious of the surrounding proceedings, his hand was taken by H. Bucher Swoope, of his county, and his name affixed to the bond.

By slow stages he was removed to his home, receiving the most delicate attentions from his friends on the route.

From Philipsburg, he was conveyed on a bed, placed in a wagon, being so debilitated as to be unable to sit up for any length of time.

He arrived at home in May, and in about a month was called upon to report; but through the influence of General Steadman and some other influential friends, he received a pardon from President Johnson before the expiration of the time allotted him to appear. He has somewhat recovered his strength, but not his former health. His constitution was irretrievably broken by his confinement and consequent sickness.

JACOB HUBLER AND SON.

MR. JACOB HUBLER, of Grahampton, Clearfield County, Pennsylvania, was another of the victims sacrificed to the bloody Moloch of Abolitionism. He was sixty-five years of age, and suffering from the infirmities incidental to that period of life, at the time of his arrest. About 10 o'clock P.M., in the latter part of December, 1864, he was arrested, and brutally treated by his captors.

The arrest was made by a squad of soldiers headed by one Joseph Miller, a citizen, wearing an United States uniform. On entering the house of Mr. Hubler, they presented their revolvers and covered his person with them, demanding to know, at the same time, if there were any men in the house. He replied in the negative. He was then told to pack up his clothing, as he was a prisoner, and must accompany them. He asked Miller what crime he had committed against either the civil or military authority of the United States, that he was thus to be dragged from his fireside, avowing himself to be a law-abiding citizen. The officer ordered him to stop his prattle and get ready to leave. In a few minutes after, he, together with several others who had been kidnapped, was started for Philipsburg, the regimental headquarters, where he arrived after suffering much from the inclemency of the weather. The next day he was examined by the Marshal, who could find nothing against him to warrant his arrest or detention, but who nevertheless confined him for several days in an old barrack, where he was fed on hardtack and coffee. After four days of imprisonment he was transferred, under guard, to Harrisburg, and immured in the "Exchange," where he anxiously awaited his promised trial.

Before leaving Philipsburg, he was told by the command-

ing officer that he would be held responsible for his son, who had been drafted and had not reported. He protested against the injustice of such action, averring that his son was of age, and out of his parental jurisdiction. But this did not palliate his case. A pretext for his arrest was needed, and that furnished it.

After an incarceration of a week in the "Exchange," he and forty-two others were placed on the train for Philadelphia, where they arrived benumbed with cold. They were then marched to the barrack, at Fifth and Buttonwood Streets, placed in the upper portion of the building, in a room from the window of which nearly all the glass had been broken. Here, fatigued and hungry, with nothing to eat, they were left for the night.

Mr. Hubler's boots were frozen on his feet, and he nearly perished with the cold, which was so intense, that the younger men were compelled to walk the room to keep up the circulation of the blood.

The following morning, he, with the others, was furnished with a ration of bread and meat, marched to the depot at Broad and Prime Streets, and kept standing for more than half a day. About four o'clock P.M., they were placed on the cars for Fort Mifflin, where they arrived about dusk, and were taken to Colonel Eastman's office, and after standing for an hour, were placed in a bombproof with more than forty others. His treatment, here, was the same as that of the other prisoners, which is described in the narrative of Mr. Walters, who was from that time forth his fellow-prisoner. While a prisoner in the Fort, his son, Levi Hubler, who had been drafted, as he was informed, but had never been legally notified of it, after keeping out of the way for fear of arrest by the troops who were scouring the country, reported in the latter part of December, thinking that he would be treated as a drafted man, as other non-reporting men had been. Immediately on presenting himself at the regimental headquarters, he was arrested, and after a few days' confinement, sent to Harrisburg, and thence to Fort

Mifflin, undergoing the same treatment that his father was there receiving.

February 17th, 1865, father and son, together with a number of others, were marched to Philadelphia, taken to General Cadwalader's headquarters, and after standing an hour or more, were taken to the depot, where they were placed in the cars for Harrisburg.

On the march from the Fort to Philadelphia, Mr. Hubler, Sen., suffered much from fatigue and weakness. The road was full of slush and snow, and the prisoners were constantly slipping, which made the march more tedious and tiresome. Mr. Hubler nearly gave out from exhaustion, and was supported and assisted in turn by the stronger and more robust of the party. Arriving at Harrisburg, they were again placed in the "Exchange," which becoming so filthy as to disgust even the officials, they were removed to the "Cotton Factory," which was somewhat cleaner, if not more commodious.

Their trial, which had been promised them, was delayed from day to day. They were marched from the prison to the commission in the morning, full of the expectation of having a trial and hearing their fate, and after waiting all day in torturing anxiety, were marched back again, without a word of explanation.

Mr. Hubler, Jr., was paroled on the 22d of February, 1865, and has never since been called upon to report.

Mr. Hubler, Sen., failed so rapidly in health, that he was granted a parole on the 15th of March, 1865, and returned to his home, where he was confined to his bed, in which he lingered until the 4th of July, and died on the anniversary day on which, eighty-nine years before, had been declared the birth of a nation of freemen.

We conclude these narratives with a list of those who were arrested and confined from Clearfield County, Pennsylvania. The list is not complete, but is as full as the author could make it.

Name	Age when arrested.	Residence.
Boyer George,	35	Luthersburg, Pa.
Boyer Benjamin,	22	" "
Hubler Jacob,	65	Grahampton, (dead,) "
Hubler Levi,	—	" "
Huffnel D. S.,	22	Luthersburg, "
Huffnel Israel,	37	" "
Kuhnley John,	36	" "
Kuhnley George,	40	" "
Keller J. S.,	22	" "
Keller Peter,	37	" "
Keller Jacob,	35	" "
Kerb George,	22	" "
Miller Andrew,	28	" "
Rucher George,	55	" "
Reider John,	52	Jefferson Line, "
Shucker Henry,	23	Luthersburg, "
Shucker George,	21	" "
Shucker Cornelius,	18	" "
Shindell Lewis,	33	" "
Weaver George J.,	32	" "
Willhelm Jacob,	59	Grahampton, "
Walters J. Blake,	25	Clearfield, "
Yoas Henry,	44	Luthersburg, "

Three of these cases are extremely painful — those of Jacob Hubler, George Rucher, and Jacob Willhelm. The first of these, the senior of the party, suffered intensely from his confinement, and died shortly after his return home.

The second, George Rucher, is heart-rending, calling to mind some of the scenes of the French Revolution, and particularly the parting scenes of the Conciergerie. At the time of his arrest, his wife (an old woman) was told by her neighbors that her husband would be hung. This frightened her so that she died in a few hours afterward. When this sorrowful news reached her aged consort in the Guard-house at Harrisburg, he was so overcome with emotion that he died almost as suddenly.

The other, Jacob Willhelm, whose case is given in this work, was reduced to the verge of the grave:

. . . . "and now
Despoiled, he lives like wind-swept, leafless boughs,
A noble phantom — shade of what had been."

THOMAS W. BERRY, ESQ.

ABOUT seven o'clock on the morning of the 25th of March, 1862, a squad of Company E, 4th New York Artillery, surrounded the house of Mr. Zacariah Berry, in Prince George County, Maryland, and arrested his brother, Thomas W. Berry, Esq., a resident of Washington City, then on a visit. Captain Tudor, after disposing of his men so as to prevent escape, hastily entered the house and exclaimed: "Ah, Mr. Thomas, I 've got you, have I! Are you Thomas W. Berry?" Receiving an affirmative answer, he continued, "Then I arrest you, Captain Thomas Berry, of the Rebel Army, for treason against the United States. Shall I treat you as a prisoner of state, or a prisoner of war?" Mr. B. replied, "I am your prisoner, sir, and you can do as you please."

Immediately on entering the room, Captain Tudor took from Mr. Berry a fine revolver, which he reluctantly returned to him, after his release from the Old Capitol Prison. Mr. Berry requested permission to visit his chamber, under guard, that he might obtain a change of clothing before leaving. This request was peremptorily refused by the Captain, who further declined to permit him to visit his sister-in-law, then lying very ill.

The Captain would not allow him to take breakfast, but unceremoniously ordered him to "fall in line," at the same time refusing him the use of a horse or carriage, remarking that he had a conveyance a short distance from the house. In the yard among the soldiers stood a man named Wilkinson, of low birth and no standing in the community in which he lived. This man had piloted the party to the house. Wilkinson kept a "whiskey shop" at Grimes's Cross Roads, in Prince George County, not far from Fort Greble, and had

been detected in selling liquor to the soldiers stationed at the Fort, in violation of orders. Colonel Doubleday threatened to confiscate his stock of liquor and put him under arrest. To avert the threatened danger, he determined to expiate his offence by an act of "loyalty," and offered to show the Colonel where he could arrest a "Rebel Captain." Colonel D. acceded to this offer, and in addition promised him one hundred dollars for his services. Hence the arrest of Mr. Berry.

After leaving his brother's residence, Mr. Berry was marched about ten miles through mud and water, before they came to the conveyance mentioned by the Captain. This was a miserable old vehicle, venerable in appearance, and in such a shattered condition from having been upset the night previous, that when they came to bad places in the road, (and these were not unfrequent,) the occupants were compelled to alight and walk. This was repeated so frequently that Mr. B. insisted upon walking rather than be continually getting in and out the dilapidated coach. They rode the last five miles of the road to Fort Greble, opposite Alexandria, in a regimental wagon without seats. The wagon contained Captain Tudor, fourteen men, a surgeon, and the prisoner. Mr. B. estimates that he walked twenty miles of the distance between his brother's house and the Fort.

While on the line of march, Mr. B. was graciously informed by Captain Tudor that he would be hung as a spy, as it was well known to the Government that he was a Guerrilla Captain in the Rebel Army, and had murdered a number of Union citizens, that he had the week previously crossed the Potomac and stopped with his brother, that he and his brother had been to Bladensburg and taken the cars thence to Baltimore, where they had purchased and shipped South large supplies of medicines for the Confederate Government. Mr. B. listened to this piece of information with mingled feelings of disgust and surprise, and immediately contradicted the statement *in toto*, assuring the valiant Cap-

tain that he had no fears of being hung, but that if proof were needed to substantiate the charges he had made, he entertained no doubt but that a host of Government spies would be willing to swear to them, regardless of the perjury they would commit. After bluntly denying that he had rendered either aid or comfort to the enemies of the United States Government, Mr. B. frankly told the Captain that he was a Southern man, that his sympathies lay with his section, and that the Government had done him and his family enough injury to cause them to despise it: they had taken possession of the old homestead, "Metropolis View," about a mile from Washington, and had permitted the soldiers to wantonly mutilate and destroy the dwelling, which was elegantly finished and furnished; that the soldiers had thrust their bayonets into the plastering on the walls and ceiling, and had shot into the ornamental work. A party of them even went so far with their vandalism, as to break into the family vault, and desecrate the remains of the dead, tearing the silver-plated handles and screws from the coffin which contained the ashes of his father; while the coffins of his infant brother and sister were broken open at the same time, and their bones left lying on the floor of the vault; that when John Maguire, an honest Irishman, went to them, and with tears in his eyes entreated them to desist and respect the dead, and not to desecrate the remains of the family, as they had been good to him, he was met by these unfeeling men with jeers and laughter, and the remark that they were all rebels, and that they had heard there was jewelry buried with the dead.

Captain Tudor said he could not believe that such a thing had occurred. Mr. Berry told him that a written statement of the facts, as he had related them, had been sent to General McClellan, and that all they could learn of the perpetrators was that the depredations had been committed by some soldiers of a Pennsylvania regiment, commanded by a Colonel Williams, who gave as an excuse that he was unable to control his men.

Mr. B. said further, that the Government had driven the tenant from "Belle Vue," a farm belonging to his sister; had torn down the house and built Fort Greble on its site; that they had also cut fifty acres of valuable timber from his farm, and used it in the construction of the forts on the Potomac River, and had refused to remunerate him for his loss, or pay for the place, declaring the family were all rebels.

On the arrival of the party in camp, they were received with cheers and shouts. Captain Tudor was as warmly greeted by his brother officers as though he had performed a valiant act in the capture of one man. Mr. B. was placed in the mess-room, and a guard put over him. Presently Captain Tudor came in and offered to the prisoner an apology for the rudeness he had manifested, in the morning, at his brother's house, giving as an excuse that he had heard that the people of Prince George County, and especially the Berrys, of whom there were quite a number, were violent secessionists, and that he had not expected to make the arrest without a fight, and for that reason had taken a surgeon with him.

At 6 P.M. he was given a fair supper, and then placed in an ambulance and conveyed under guard to Fort Carroll, about a mile from Washington. At the Fort he was confronted with Colonel Doubleday, who commanded the defences east of the city. The Colonel addressed him as "Captain Berry, of the Rebel Army," but was soon made aware of his error by the prisoner's denial that he had ever held any position, civil or military, under the Confederate Government. The Colonel said that he had been informed to the contrary, and ordered him to be conveyed to Washington, where he was taken to the guard-house, and thrust into a room with about one hundred drunken soldiers, who had been gathered up by the provost guard during the day. Observing that he wore the dress of a citizen, the soldiers crowded around him, anxious to know the cause of his arrest, the most of them supposing that he had sold liquor to the soldiers surreptitiously; but when informed that he had been charged with

being a Rebel captain, they advised him to say nothing about it while there, as everything that was said was reported to the authorities. The night passed wearily on, and many recollections of it are too horrible to relate. The next morning he was sent to the Old Capitol Prison — the abode of many martyrs of tyranny — where, through the kindness of Superintendent Wm. P. Wood, he was permitted to receive clothing, and a daily supply of provisions from his mother and sister, who resided in the City of Washington.

During his imprisonment in the Old Capitol, he was at different times an occupant of rooms 10 and 15.

On the 12th of April, 1862, he was discharged.

"I never had been," says Mr. B., "connected in any way with the Confederate Government, nor had I ever been farther south than Alexandria, after the month of April, 1861. Therefore, all the charges against me were false."

Mr. Berry has since removed to the city of Baltimore, where he now resides. He is a lawyer by profession, and is in possession of a large and growing practice. He is highly esteemed for his integrity and worth.

REV. DAVID R. McANALLY, D.D.

REV. DAVID R. McANALLY, D. D., is a native of East Tennessee. He was born in Granger County, February 17, 1810. His parents were pioneers to that State, and were highly respectable and deeply pious people. His father was a minister of the Methodist Church for over forty years, and died at an advanced age, in 1849.

The subject of this brief sketch had the advantage in early life of a fine private school, and early evinced an inclination for study and the pursuit of letters; graduating in the degree of A. M., at Emory and Henry College, Virginia. He entered the ministry at the age of nineteen, and was ordained with full powers of the ministry in the year 1831. He filled appointments in Tennessee, North Carolina, Virginia, and in other States, until 1848, when he received the appointment of President of the Female Institute at Knoxville, Tennessee, over which he presided for eight years; during which time the fame of the Institute drew pupils from all parts of the United States.

Dr. McAnally was invited by the Conferences of the Methodist Episcopal Church, South, having control of the "St. Louis Christian Advocate" and the Book Depository, located in that city, to the position of editor and agent. He accepted, and entered upon these duties in the year 1851. The large circulation of the "Advocate," and the immense influence it exerted wherever circulated, attested the popularity of its editor. Nor were his labors confined to the editing of this paper and conducting the business of the publishing house; but he preached as many sermons weekly to the unsupplied churches as those who had been assigned to regular ministerial duty; and this, too, in many instances, "without money

and without price." His labors were not restricted to the pulpits of his own denomination, but he supplied those of other Christian Churches; in one instance supplying a Presbyterian pulpit for several months, for which service he declined any compensation. Since 1857, he has preached regularly at a neat little chapel in the city of Carondelet, near which stands his residence. No minister was ever blessed with a more devoted congregation than his. During the whole period of our dreadful civil war, not a jar or discordant word was heard among them. His persecutions and imprisonment endeared him all the more to them. His Christian and ministerial character was never compromised by word or deed while suffering the indignity of arrest, the insulting language of petty tyrants in the persons of Provost Marshals, and during weeks of imprisonment. He came forth from the prison as pure, if not more pure, than he entered it. None, who were privileged to hear it, will ever forget his first sermon to his congregation, the Sabbath after his release, from the text, "I have faith in God." Of all his best and happiest efforts before and since, none ever approached this in genuine eloquence. The effect was electric and almost overpowering. He was there and then a living illustration of the mighty truths he, with so much feeling, uttered.

On Sunday, the 10th of May, 1863, an officer came to arrest him. In the forenoon he had preached an interesting sermon, and after dinner went to his study to prepare a sermon for the evening. While thus engaged, the officer presented himself and placed the Doctor under arrest. A piercing cry from his daughter was heard, when others hastened to the library, where the arrest was made. He calmly gathered his family together in the library, when he told the officer that he wished to have prayers before separating from them. The officer replied that he had no objection. The Doctor opened the Bible at the twenty-third Psalm, and read with much feeling and pathos, "The Lord is my shepherd, I shall not want," etc. The reading of the Psalm finished, he offered a touching and appropriate prayer, and then affec-

tionately addressed his orphan son and daughter. The officer, callous though he may have been, was not an unmoved spectator of the affecting scene. To his honor be it recorded, he shed tears freely. It was generally supposed that Provost Marshal Dick wished to celebrate the capture of Camp Jackson, and his little soul could devise no more appropriate mode than the arrest of an humble servant of Christ on the holy Sabbath-day, the 10th of May, 1863.

For the twelve months previous to his last arrest, Dr. McAnally had, by his parole of honor, been confined to the limits of the county. He had sacredly kept his parole in every particular. Confining his ministerial duties chiefly to his own congregation, administering to the wants of the needy, visiting the sick, burying the dead, and speaking words of consolation to the bereaved and distressed, no man's walk could have been more blameless. Yet, his persecutors were not satisfied. It could not have been charged that politics entered into his sermons or his prayers; but he was not a Radical in his politics nor in his religion, and this constituted his offence.

The following account is from the pen of the Rev. Dr McAnally:

"On the 21st day of April, 1862, I was arrested by order of the Provost Marshal at St. Louis, and immediately imprisoned in what was then called Myrtle Street Military Prison. The order for arrest and imprisonment was peremptory. No reasons were given; none were asked, as arbitrary arrests were matters of every-day occurrence; and, in most cases, if reasons were asked, none were given.

"From the first hour of my imprisonment, I calmly, but firmly, determined that, with a perfect consciousness of the purity of my motives and the rectitude of my conduct, I had violated no law, either civil or military; that, in my heart, and in my conduct and conversation, I had been true to the real interest of my country; I would take no oath, give no bond, nor ask any favors, either directly or indirectly. Nor did I do any of these things from the first to the last. I

never asked why I had been arrested; what were the charges; what the military intended to do, or what they wanted me to do. I knew there were no grounds for any charge whatever; that the whole proceeding, in regard to myself and others, was a low, cowardly effort to intimidate and humiliate men who formed their own opinions, preserved their own self-respect, and refused to be swayed to and fro by the influence or mere dictation of blind passions. So that, without anything like stubbornness, and in the entire absence, I trust, of all unchristian or ungentlemanly feeling, I resolved to make no concessions — having none to make — ask no favors, or do anything else that could be construed, either directly or indirectly, into an acknowledgment, on my part, of the right of the military to institute and carry out such proceedings.

"Besides, I was satisfied that it was not against me, *personally*, so much as against me as the representative of a Christian denomination — the Methodist Episcopal Church, South — that this warfare was to be waged. Many of the ministers of the same denomination had even then been driven from their flocks and from the State. Others had seen the storm coming and had left, while many more had been arrested and put under heavy bonds by Provost Marshals in different parts of the State; and then, or soon after, some six or eight had been shot down as if they had been ferocious beasts. Some of those arrested had been told by military commanders that the fact of their being ministers of the Methodist Church, South, was 'enough to hang them;' and many of our members were put under bonds or sent to prisons for no other ostensible reason than that they had subscribed, paid for, and read the 'St. Louis Christian Advocate,' an official organ of the Methodist Episcopal Church, South; then, and for ten years previously, under my editorial management. I was not a *blatant Abolitionist*, and had thrown some serious obstacles in the way of Ecclesiastical Radicalism; hence, the determination to be rid of both the paper and its editor.

"At various times, during more than three months previous to the arrest, I had been warned of my danger, because of the religious, rather than the political opposition to me; and some of my friends advised me to leave; which I could have done on any day previous to the arrest.

"On Sunday, the 13th of April, there was a consultation among '*the faithful*,' as to what course had best be pursued in reference to the 'St. Louis Christian Advocate,' and its editor. At this consultation, it was proposed,

"1st. To incite the soldiers, and let them tear down the building, and demolish the office of publication. But that proposition was rejected, because it was thought the influence on the minds of the people of the State would be bad; that it would be going further than would be safe to their own cause.

"2d. It was then proposed and agreed to, that an indictment for conspiracy against the Government of the United States should be drawn up for the action of the grand jury of the United States District Court, which was to sit next day. And in the event of the jury failing to find a true bill, then I must be summarily and arbitrarily arrested by order of the Provost Marshal, and sent to prison, and the paper suppressed.

"Accordingly, next day, Monday, the 14th, the Court met, and the grand jury was empanelled. Soon after, a bill was presented to them. Diligent inquiry was made; witnesses were summoned and carefully examined. Day after day the matter dragged on, until finally, on Saturday, the 19th, the jury, having completed their work, was discharged, and no action was taken to suppress the 'Advocate,' or presentment made against its editor. Partisans as they were, and corrupt as I know some of them to have been, they would not say, on their oaths, that a true bill for conspiracy could be found.

"Hence, in accordance with the programme previously prepared, on Monday following the paper was arbitrarily suppressed, and I was arrested and imprisoned by order of the Provost Marshal, as already stated.

"The Marshal was one Captain Leighton, a man whose intellectual, moral, and social qualities, and whose early life and associations seem to have eminently qualified him for the work he was called on to perform.

"The keeper of the prison placed me in a room twelve or fifteen feet square, with ten other prisoners, all of whom were genteel, worthy men, and some of them highly intellectual and cultivated. They uniformly and invariably treated me with respect and kindness, and really seemed to vie with each other in manifestations of kindly feeling.

"In the same prison, in different parts, there were, perhaps, from an hundred to an hundred and fifty persons; a few of whom had been regularly in the Confederate service, and captured; others had been in the Federal service, and were then in prison for crime; while the great majority were citizens from different parts of the State, arrested on mere suspicion, and in some cases had been imprisoned for weeks and months, with only the scant clothing they happened to have on when arrested. Some fifty or sixty such as these were in a miserable condition. But under the rags and dirt there were some as noble hearts as ever throbbed. These, too, after I had been but a few days in prison, treated me with respect and kindness. Nor did any of the officers of the prison ever use toward me a disrespectful or an unkind word. I endeavored to deport myself in a dignified, respectful, gentlemanly, and Christian manner, and was everywhere met with a corresponding course.

"It was my understanding, at the time, that the keeper of the prison was allowed a per diem for feeding the prisoners; but whether that were so or not, he evidently drew rations for all, but allowed some twelve or fifteen to have their meals sent regularly from the Virginia Hotel, and I verily believe the hotel-keeper sent 'the very best his house could afford.' My meals were regularly sent three times each day by an estimable family living close by.

"If any be curious to know how my time was occupied, they may learn from the following memoranda made at the

time, on some fly-leaves of a Bible I used, and which is now before me:

"April 21, 1862. Imprisoned at 7 o'clock P.M.

"22d. Read from the 90th Psalm to the close of the Psalms

"23d. Read Proverbs, Ecclesiastes, Song of Solomon, and Isaiah.

"24th. Read Jeremiah and Ezekiel to chapter xx.

"25th. Read balance of Ezekiel, the Book of Daniel, and wrote outlines of two sermons.

"26th. Read the twelve Minor Prophets, and wrote sketches of two sermons.

"27th. Read the four Gospels.

"28th. Read Acts of the Apostles, thirteen Epistles, and wrote two sketches.

"29th. Read from first of Hebrews to end of Revelation; also the Book of Genesis, and wrote two sketches.

"30th. Read Exodus and wrote two sketches, (was sick.)

"May 1st. Read Leviticus and Numbers, and wrote two sketches.

"2d. Read Deuteronomy, Joshua, Judges, and Ruth, and wrote two sketches.

"3d. Read First and Second Samuel, and wrote one sketch, (was sick.)

"4th. Read First and Second Kings, and wrote three sketches.

"5th. Read First and Second Chronicles, and wrote two sketches.

"6th. Read Ezra, Nehemiah, Esther, and part of Job, and wrote two sketches.

"7th. Read the rest of Job, and the Book of Psalms. This puts me through the Bible in sixteen days; and also wrote in all twenty-four sketches of sermons — two to-day.

"8th. Read Proverbs, Ecclesiastes, Song of Solomon, and wrote part of a sermon *in extenso*.

"9th. Read Isaiah, and finished the sermon.

"10th. Read Jeremiah, Lamentations, and part of Ezekiel, and wrote letters.

"11th. Read the rest of Ezekiel, Daniel, and the twelve Minor Prophets.

"12th. Read Matthew, Mark, and Luke, and wrote part of a sermon and some long letters.

"13th. Read John, Acts, and Romans, and wrote six or eight pages of a sermon *in extenso*.

"14th. Read First and Second Corinthians, Galatians, Ephesians, Philippians, Colossians, Thessalonians, (First and Second,) First and Second Timothy, Titus, Philemon, and wrote nine pages of a sermon.

"15th. Read from first of Hebrews to end of Revelation, and wrote eleven pages on sermon.

"16th. Read Book of Genesis, and wrote on second sermon for the week.

"17th. Read Exodus, Leviticus, part of Numbers, finished second sermon (*in extenso*) for the week, and wrote four long letters.

"18th. Read remainder of Numbers, Deuteronomy, Joshua, Ruth, and Judges.

"19th. Read First and Second Samuel, and wrote three long letters.

"20th. Read First and Second Kings; and at two o'clock the officer of the prison was directed to release me on my verbal parole, to report forthwith at the office of the Provost Marshal, which I did, and was then informed that charges and specifications had been drawn up, to which I would be required to answer before a Military Commission on the 23d; and on my verbal parole I was released until that time.

"23d. Reported accordingly, when the parole was extended to Monday, the 26th.

"On Monday, the 26th of May, I appeared before what was called a Military Commission, composed of Colonel Merrill, Major Shaw, and Captain Howard, the latter of whom acted as Judge Advocate.

"These were all of the volunteer service, and, except the Colonel, were, perhaps, in the service more in name than in reality. The charge I was required to answer was that of

having violated 'the articles of war,' by the publication of sundry specified articles in the 'St. Louis Christian Advocate.' It was a little remarkable that a number of the articles complained of had been copied from 'Blackwood's Magazine,' which publication had been freely circulated in the city for from one to three weeks before I made the extracts.

"I objected in form to being tried by that tribunal, alleging that if I had committed an offence at all, it was an offence against civil, and not military law; and claimed, as a citizen and civilian, to be tried by civil law.

"I further objected on the grounds that many, if not all the articles complained of, had been published before the proclamation of martial law in St. Louis; and as no war had been formally declared, I could not, under the circumstances, be justly tried by the articles of war.

"Several other exceptions were regularly filed, but all were overruled, as, indeed, I supposed they would be, and I only entered them to make a fair and full record.

"The trial proceeded. The Judge Advocate threw on the table a number of copies of the 'Advocate,' with certain articles therein marked, but did not read them openly; and if either he or the other members of the 'Commission' ever read them, the fact was and is unknown to me. The fiscal agent of the publishing house where the 'Advocate' was issued, was examined at great length, and with great care; and to all questions asked, he gave distinct, prompt, and truthful answers. This ended the first day's proceedings.

"On the second day, a number of gentlemen were introduced —some who were well known to be among the most 'loyal' of the 'loyal,' and others who were suspected of having 'Southern sympathies,' when my manner of life, in public and private, my manner of preaching, and the character and tone of my public prayers, were all diligently inquired into; but no one was found who, on his oath, would say that he ever saw or heard me do or say aught that was inconsistent with the character of a peaceful, law-abiding citizen, and Christian minister.

"I continued to introduce witnesses on these points until the Court expressed their entire satisfaction.

"It was then ordered that any defence I might choose to make should be prepared and presented to the Court on the next day. Accordingly, at the opening of the Court on the third day, I read a short paper, setting forth the grounds on which I thought I was entitled to be released from the prose cution.

"This closed the trial. I was then remanded to the care of the Provost Marshal, who, on my pledge 'not to give aid and comfort to the enemies of the United States, nor to leave the county of St. Louis, and to report myself at that office whenever required,' I was allowed to go. This parole was kept hanging over me until the 19th day of November, 1865 — three years and six months from the time of the trial. The decision of the Court by which I was tried *I have never had, nor ever known to this good hour! ! Never.*

"I kept the parole faithfully, because it was a parole of honor. I suffered many inconveniences and discomforts be cause of it, but still kept it, and did so uncomplainingly.

"On Sunday, the 10th of May, 1863, while preparing for the evening services of the church, I was again arrested; this time, by order of Provost Marshal Dick. The arrest was made at my own house. After gathering a bundle of clothes, and having prayers with my motherless children, commending them to 'Him that judgeth righteously,' I accompanied the officer, and was by him delivered to the keeper of the Gratiot Street Military Prison.

"Here there was a great number of persons, many prisoners of war, and many citizens from different parts of the State, some of whom had been long confined; and there were many others, residents in the city, who had but a little while before been brought in.

"On the next day, Monday, the 11th, quite a number of us were notified that we would be sent South, beyond the Federal lines, and would be started at twelve o'clock, on

Wednesday, the 13th. We accordingly made what preparation we could.

"I was informed that I would be allowed to carry a limited amount of clothing, and two hundred dollars in money. The clothing I had. The money I had not. I had but a very few dollars in the world, and was leaving my children not only motherless, but penniless. Some friends outside the prison learned my condition, and the two hundred dollars were quickly furnished. One-half of the sum was sent by a high-toned gentleman, who was then serving as a Colonel in the Federal service—a man whose every sense of honor was outraged by the proceedings against me. Had the sum been needed, I believe two thousand or ten thousand dollars would have been furnished me.

"On Wednesday, the 13th, those of us who had been ordered into banishment were paraded and marched, between two files of soldiers, through some of the principal streets of the city, to the steamer which was to bear us South. The whole number of prisoners on the boat was, perhaps, an hundred or more, including men, women, and children.

"Just before the boat left the landing, an order came countermanding the order of my banishment, and directing that I should be sent to the office of the Provost Marshal. This was done; and the other prisoners were sent South. At the Marshal's office, I was directed to report there in person at eleven o'clock, the next day, and in the mean time I might do anything not inconsistent with the parole I had given a year before.

"At the appointed hour next day, I reported myself at the office of the Provost Marshal, Colonel Dick. He expressed a desire for a long conversation, and commenced in a sort of apologetic way, by stating how much pleasure it gave him to rectify any mistake he might make, or undo any wrong he might happen to commit; and, as he had been led into a mistake in regard to my arrest and order of banishment, he had much pleasure in countermanding the order, etc.

"The conversation was protracted, and *very plain*. The

Colonel was reminded that the old ideas regarding civil rights, civil law, personal liberty, etc., were not entirely obsolete; and that it might be well for persons temporarily in authority to remember that orders for the arrest, imprisonment, and banishment of persons, and the confiscation or destruction of property, ought to be based on something else than suspicion or vague rumor.

"Finally, the conversation was ended by the Colonel suddenly remembering that he had some important business just then, and requesting me to call the next day, that the interview might be renewed. I did call the next day, and the next, and the next, for many days, but, from the day of that interview to the present, never found the Colonel at leisure. Soon after that he was relieved of his position and duties as Provost Marshal, and not a great while afterward, no doubt for good and sufficient reasons, he left the city and State.

"The Colonel gave no reasons for my arrest, nor was he asked for any. Perhaps he was not aware that I had learned that his order for my arrest had been issued at the instance of a couple of ignorant and bigoted old women connected with the 'Loyal League,' and who had been instigated by two men, who, for private reasons, desired that I might be banished.

"These two men have since fully developed the very unenviable character which I then knew they possessed. And, perhaps, he was not aware, second, that I had learned that his order countermanding the order for banishment had been issued on the peremptory command of the General (Curtis) then in command. Or, third, that General Curtis had acted on the representation of at least two of his own Colonels, who had assured him, first, that the order was in itself wrong, unjust, and an outrage; and, second, that to let it be carried out would do great harm to the Union cause. One of them told the General that the very fact of my being in the South, under the circumstances then existing, would do as much harm to their cause as could be done by a thousand armed men, and added: 'I do not know what he may do in

the South; but I do know that, if he exert himself as I know him capable of doing, you might as well send five thousand armed men to help the Rebels as to send him. However peaceably disposed he may be now, we cannot expect him to continue so, if this outrage is carried on.'

"Perhaps the Colonel was not aware I had learned all this and much more. Still, he may have thought of it, when he asked me what I would do if sent South? and in reply, I simply answered, 'You may rely upon it, sir, I will eat no idle bread.'

"In all this time, I allude only to the arrests which were followed by actual imprisonment, saying nothing of an arrest made in September, 1861; made not on a charge of anything having been done, but on suspicion that something '*might be done.*'

"I was quite ill at the time, but was taken in my office, carried before the Provost Marshal, where, defenceless and surrounded by armed men, I was coarsely harangued and vilified, abused and lectured as to my editorial and ministerial duties, during a half-hour or more, which was, at length, terminated by my plainly informing the Marshal that as I was in their power, the military could do with me as they chose; that they had the power and could suppress my paper when they pleased; but until it was suppressed, it should contain just what I might think proper to put in it, neither more nor less. The Provost Marshal was one John McNeil, of Palmyra prisoners' notoriety.

"Nor have I alluded to the fact that, in July, 1861, a mob of the 'Home Guards,' so called, threatened to destroy my dwelling-house and church, because I had publicly baptized a child, whose parents chose to call it Harry Beauregard; which mob desisted from their purpose only a few short hours before that purpose was to have been accomplished; and not then, until after one of their principal men had been told there were not less than thirty or forty men who would, at the risk of their lives, hold him personally responsible for all harm that might befall me from the mob.

"Nor yet have I alluded to the fact that, in July, 1861, a company of armed men, forty-four in number, wearing the uniform of United States soldiers, and acting *professedly* under orders from headquarters, surrounded my house, and ransacked it from cellar to garret. What they expected to find, or were looking for, I never asked, I never knew. Nor to the ransacking of my editorial office; the destruction of my private papers, etc., etc., which was done in April, 1862, when I was absent; nor to the almost numberless unlawful and unjust indignities, disabilities, etc., that were put upon me during the three years and more that I was a prisoner. Nor yet have I alluded to the horrible outrages, cruelties, and barbarities which I saw practised on helpless prisoners, and for no reason whatever. All this I pass by. If an account of them be given, let it be given by others."

ORMOND BARRETT, THOMAS C. MacDOWELL, J. MONTGOMERY FOSTER, AND M. J. JONES.

ON the 6th of August, 1862, at about 4 o'clock A.M., Provost Marshal Lafayette C. Baker, of Washington City, D. C., accompanied by Captain I. Dodge, (then acting as mustering officer and Provost Marshal at Harrisburg, Pennsylvania,) the Chief of Police of that city, and a file of United States soldiers, arrested Messrs. Ormond Barrett and Thomas C. MacDowell, Editors and Proprietors of the "Patriot and Union," a Democratic daily and weekly newspaper, published at Harrisburg, Pennsylvania, together with J. Montgomery Foster, Assistant Editor, and M. J. Jones, Local Editor of the said paper. The arrest of the above-named gentlemen was made at their respective homes, within a few minutes of each other. Colonel MacDowell's residence was first visited, and his arrest first made. When the object of their visit was made known to the Colonel by the Provost Marshal, which was done from the steps of his dwelling, where Baker stood dressed in the full uniform of a Captain of Infantry, the door was opened and Colonel MacDowell asked the meaning of the presence of armed men, who were surrounding his premises.

Both Baker and Dodge announced their desire to see Colonel MacDowell, and requested to be admitted to the house. The Colonel answered that Captains Baker and Dodge, and the Chief of Police might enter, but none of the armed guard then present. This was assented to, and Baker, Dodge, and Chief of Police B. Campbell stepped into the parlor, where the following dialogue ensued:

COLONEL MACDOWELL. "What is your business with me, gentlemen?"

CAPTAIN BAKER. "I am ordered to arrest you, sir."

COL. MACD. "Have you authority, in writing, to make my arrest?"

CAPT. B. "I have."

COL. MACD. "Will you be kind enough to show me the authority?"

Baker drew from his breast-pocket a paper and handed it to the Colonel, which purported to be an order from General H. W. Halleck, General-in-Chief, commanding Baker to proceed to Harrisburg, Pennsylvania, and arrest Messrs. O. Barrett, Thomas C. MacDowell, J. Montgomery Foster, and M. J. Jones, Editors and Proprietors of the "Patriot and Union" newspaper, and convey them to Washington City, to be tried by a Military Commission, for publishing a certain handbill discouraging enlistments, and that he (the Provost Marshal) "shall seize the presses, type, fixtures, and all the property found in the 'Patriot and Union' printing establishment, and turn the same over to the United States Quartermaster at Harrisburg, Pennsylvania, who shall forward the same to Washington City." (For some reason, the confiscation portion of the order was never executed.)

Colonel MacDowell then asked permission to put up a few articles of clothing, and also to inform his family of the necessity of his absence. An hour was readily granted for this purpose, and on promise of Colonel MacDowell that he would report himself at the Mayor's office at the expiration of the allotted time, (5 o'clock A.M.,) the Marshal and his posse left his premises. About 5 o'clock A.M., Messrs. Barrett, MacDowell, Foster, and Jones were at the Mayor's office, and at about six o'clock they were marched off by the Provost Marshal and a file of soldiers, with muskets and fixed bayonets, to the depot of the Pennsylvania Central Railroad, and put on the cars, with the Marshal and a guard of soldiers as close attendants.

On arriving at the cars, they found, for the first time, Brigadier-General James Wadsworth, then acting Military Governor of the District of Columbia, who, as they were in

formed, had come to Harrisburg to superintend their arrest, but who had taken care to be neither seen nor known by any one until after the arrests were made, and the prisoners seated in the cars. General Wadsworth was in the full uniform of a Brigadier-General of the United States Army, without side-arms. Arriving at Washington, General Wadsworth ordered the prisoners to be lodged in the Old Capitol Prison, by the Marshal, who still had them in charge. They were marched thither and handed over to the Superintendent, William P. Wood, who, after carefully examining their baggage and persons, assigned them room No. 10, where they were kept, as the other prisoners were in that place, until the 23d of August, 1862, when they were liberated, after undergoing the consummate farce of an examination by Judge Advocate L. C. Turner, in the presence of General Wadsworth.

When brought before the Judge Advocate, they demanded the affidavit upon which they had been arrested, the name or names of their accuser or accusers, and the specific charges that justified the great outrage that had been perpetrated in their arrest and incarceration; but, strange to tell, both the Judge Advocate and General Wadsworth had to acknowledge that there was no written specific charge, no accuser or accusers; and, after taking their respective statements under oath, in which they severally stated their unconsciousness of having committed any crime or offence against the Government, the Constitution, or the laws of the land, they were told they were at liberty to go whithersoever they pleased. They left Washington on the following morning, the 24th of August, 1862, and arrived at their homes in Harrisburg, the same evening, after an imprisonment of eighteen days.

PHILIP HILBISH.

MR. PHILIP HILBISH is a native of Pennsylvania, and was born in 1813. In early life, with commendable ambition, he determined to acquire an education. By his own industry, he fitted himself for, and graduated at college, with the highest honors.

His first enterprise, subsequently, was to enter into partnership with a friend in the mercantile business, in which he continued six years. At the expiration of that time, he had accumulated enough money, from an original investment of fifteen hundred dollars, to commence business on his own account. He removed, in 1845, to McKee's Half Falls, about twelve miles distant from Liverpool, Perry County, and rented a store and hotel. His business proved eminently successful, from strict attention, so that, in the third year, he bought the property he had rented, for twelve thousand dollars, for which he has since been offered forty-five thousand dollars.

Continued success enabled him to purchase the valuable property of Dr. A. S. Cummings, at Selin's Grove, Snyder County, where he now resides, respected for his energy and perseverance, and beloved for his upright and manly character, and practical benevolence. He was invited by his Republican neighbors to call a mass meeting, and urge upon the people the duty of enlisting in the army to suppress the rebellion. He firmly but courteously declined, adding "that he had no objection to any person enlisting in the service who desired to do so, but that he would urge it upon no one." His two sons subsequently joined the army, and were honorably discharged. The one served over two years, and the other four years and two months.

On the 27th of July, 1863, Mr. Hilbish was standing in front of his hotel, in Middleburg, conversing with a friend, when he was arrested by Captain Cox and Henry S. Boyer, the latter an unmitigated scoundrel, who spat in his face. The Captain then requested Mr. Hilbish to walk with them to his (the Captain's) office, which he declined to do, remarking that if the Captain had any business with him, he could step into the hotel. After a few moments' further conversation, Captain Cox told Hilbish to consider himself under arrest. "Not at all," said H., "unless you can show your authority." He then turned to go to the Court-house, where the Democratic Convention was in session. As he did so, ten or twelve men, who were aiding the Captain in his nefarious work, emerged from various places of concealment, and pursued H., calling on him to "Stop, or they would shoot him." Looking back he saw some of them levelling their revolvers at him. He quickened his pace, but, before reaching the steps of the Court-house, he was overtaken and surrounded by "these troops of devils, mad with blasphemy," who seized him, amid cries of "Hang him," and "Yes, he must be hung before to-morrow night." While he was held by those around him, an escaped convict from Centre County, named Kepheart, stepped in front of him and kicked him several times in the abdomen. He was repeatedly beaten over the head and face by the ruffians, and was struck several times with the butt-end of a revolver, cutting deep gashes in his face, the scars of which will be effaced only by the grave. Nearly exhausted from the pain of the blows, and the blood which flowed freely from his wounds, he was pushed across the street to a wagon in waiting, and thrust into it. The noise in the street—the yells of the miscreants—the groans of the prisoner—and the screaming of the women who rushed to the scene, aroused the Convention. The members, who had just nominated Mr. Hilbish, by acclamation, as their candidate for the Legislature, came rushing to the spot, but were kept back by the menacing attitude of the crowd which encircled him, and which had increased to

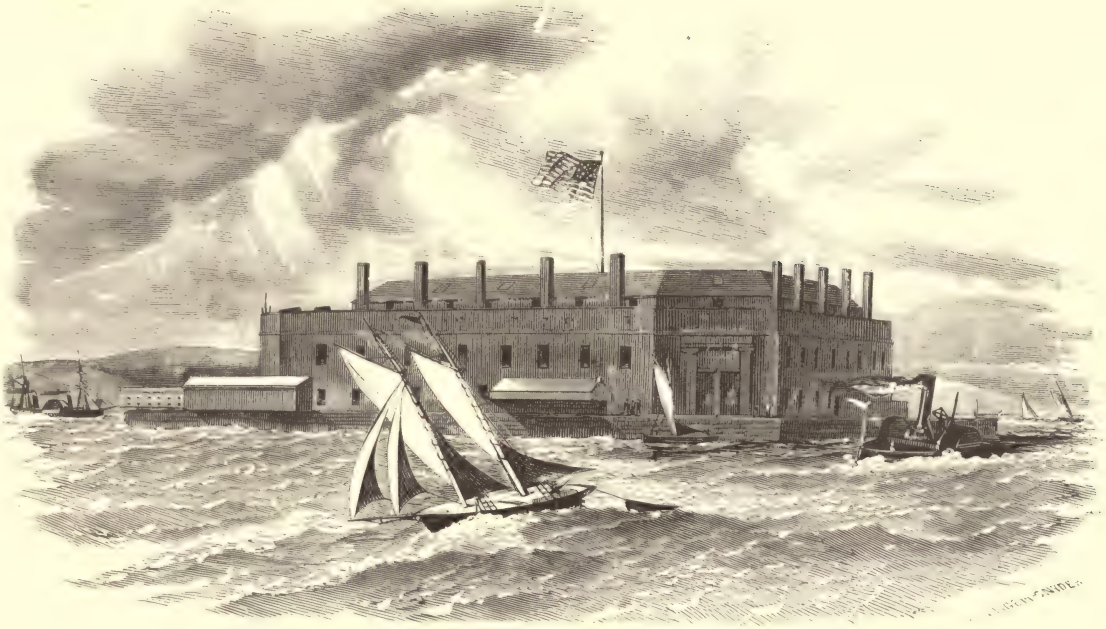
about one hundred men. They presented their revolvers, and pointing them toward the advancing members, frantically cried, "Stand back, stand back; we will shoot down any man that will even dare to speak to him." Exhausted as Mr. Hilbish was, and with the blood still oozing from his wound, the wagon was hurriedly driven away, as they said, to Lewistown. After driving about a mile, they changed their course, and drove over hills, and through byways, to Lewisburg, in Union County, where the prisoner arrived so weak from the loss of blood as to be scarcely able to stand. Here he was confined in a room, refused counsel, or permission to write to his anxious family to inform them of his whereabouts. Thence he was hurriedly conveyed to Harrisburg the same night. Two of his custodians, Kepheart, and an equally degraded associate, named Woods, continually blasphemed and threatened the prisoner's life, from the time he left Middleburg until they arrived at Harrisburg.

In the evening after Mr. Hilbish's arrest, Major John Cummings, a man of indomitable energy, believing that the prisoner had been taken to Harrisburg, proceeded thither, determined to render his friend all the aid that lay in his power. At eight o'clock on the following morning, he found Mr. Hilbish in prison, and ascertained that he was to be tried at ten o'clock the same day. Having but two hours for investigation and preparation, he proceeded directly to the office of General Clement, the District Provost Marshal, to ascertain the charges against the prisoner. A sheet of foolscap paper, filled with charges, was handed him. The principal charges on this long list were, belonging to the Knights of the Golden Circle—speaking disrespectfully of Mr. Lincoln and his Administration—discouraging enlistments, and opposing the Government generally. The Major asked General Clement for permission to take Mr. H. to an attorney for consultation. His request was reluctantly granted, and they proceeded under guard to the office of R. Lamberton, Esq., who, on hearing the particulars, expressed himself ready and willing to do all in his power to aid the prisoner.

After some further consultation, they proceeded to the Court house, where they arrived at ten o'clock, the hour appointed for the trial. The prosecution averring that they were not ready, the case was postponed until four o'clock in the afternoon, when, the Court being again convened, a further continuance was asked. This was objected to by the counsel for the defendant, who urged a trial at once. After going into an examination of the witnesses, the Government counsel failed to prove a single charge from the list shown Major Cummings by the District Provost Marshal. After having partially proceeded, and admitting their probable failure with the testimony at their command, the prosecutors again alleged that they had and could get other testimony to prove their charges, and asked for the third continuance, which was likewise granted. The prisoner was remanded to prison, to again appear before the court at 2 o'clock P.M., on Tuesday following.

As Mr. Hilbish's wife had not yet discovered where he was, and to afford him an opportunity to visit her and relieve her anxiety, Major Cummings and Mr. Lamberton offered any amount of security for his appearance on the day appointed for trial, from one to two hundred thousand dollars if necessary ; but it was refused. Major Cummings then offered to deposit with the Court one thousand dollars as security for his reappearance, and in case of failure, to forfeit the same. This offer was reluctantly accepted ; but as the Major turned and was walking through the Court-house toward the bank to obtain the money, he was recalled and informed by General Clement that *he had no right to accept money*, and the only alternative left was to send the accused back to prison, and keep him there until the next Tuesday. After a few moments' consideration, the Marshal offered to release Mr. Hilbish on his giving bonds for ten thousand dollars, with a freeholder of Harrisburg as security. While the bond was being drawn up, Mr. H. was called upon and asked what he had to say. He defended himself ably in a short speech, completely vindicating his character from the foul aspersions

which malignity had heaped upon him, and exposing the infamy of the ringleader of the dastardly outrage. At the conclusion of his remarks, the Court proposed to liberate him on his own and his friend's word of honor, for his appearance. This was agreed to, and the Court adjourned. At the appointed hour on Tuesday, Mr. Hilbish, accompanied by his counsel and friend, Major Cummings, again appeared before this august military tribunal. After a few preliminaries, the Government's counsel arose and said, "As there was no one appearing against Mr. Hilbish, or to accuse him of any of the charges alleged, he is therefore discharged, and may go home." Thus ended this case, which for brutality and injustice is not exceeded in the history of the "Council of Ten," or the "Star Chamber" decrees.



FORT LAFAYETTE, NEW YORK HARBOR.

HON. MADISON Y. JOHNSON.

HON. MADISON Y. JOHNSON resides at Galena, Illinois, and is one of the ablest and most successful lawyers in that part of the State. He is a gentleman of fine personal appearance, and about fifty-five years of age. He is independent and self-reliant in his character, but of generous impulses and courteous manners. His arbitrary arrest and imprisonment were, perhaps, among the most remarkable that occurred during the war, whether considered in a political light, or otherwise, from the fact that he had been the warm personal and political friend of Mr. Lincoln when they were old Whigs together. The personal friendship, which had so long existed between them, was not in the least disturbed up to the time of Mr. Johnson's arrest.

Mr. Lincoln, on his last visit to Galena, in the presence of several of their mutual friends, urged Mr. Johnson to join his party; and on being told that it would drift into an Abolition party, and that if it got into power it would cause a separation of the Union of the States, Mr. Lincoln said: "We can control the matter if the old Whigs and Conservatives will take hold; that there *would be* a change, they were coming into power, and that new men were to fill the positions; and that he (Mr. J.) could have anything he desired if he would go with them." Mr. Johnson replied, that "his political views, like his religious opinions, were not a matter for barter; that he could hold no political fellowship with such men as Codding and Lovejoy, and that such as they would control the party."

Mr. Lincoln then said, "he regretted to part with him more than from any man in that part of the State, *but they should always respect each other.*"

We allude to these things now to show how faithless to his promises Mr. Lincoln was, after he became President. We need not notice the history of events in this narrative further than to say, that all the propositions made looking to a settlement of the troubles between the North and the South, without a resort to arms, Mr. Johnson favored; and when the actual conflict came, and during its progress, he was found the uncompromising advocate of peace.

He was the author of a peace resolution passed at a mass meeting held at Springfield, during the war; and as a part of the history of the country, and as particularly expressing his views, we copy it:

"*Resolved*, That the further offensive prosecution of the war tends to subvert the Constitution and Government, and entail upon the nation all the disastrous consequences of misrule and anarchy. That we are in favor of peace upon the basis of a restored Union; and for the accomplishment of which, we propose a National Convention to settle upon terms of peace, which shall have in view the restoration of the Union as it was, and the securing by constitutional amendments such rights to the States and the people thereof as honor and justice demand."

He always advocated the doctrine that the theory of the American Government was that of consent, and not force.

The particular cause of his arrest, or who instigated it, has never been known. After a most searching investigation at the War Department, and an examination of the public archives in Washington, it does not appear that any specific charge was ever made or filed against him; but it would seem that the act was directed by the President himself, as established in a judicial proceeding subsequently had, in which the United States Marshal pleaded that the arrest was made by order of the President as a "military necessity, and that he was held as a belligerent and prisoner of war."

Mr. Johnson, while engaged in the defence of a murder case, was arrested in open court, on the afternoon of the 28th of August, 1862, by the United States Marshal, on a tele-

graphic despatch from Edwin M. Stanton, Secretary of War, without complaint, warrant, or form of law, hurried off, more than a thousand miles, to a foreign State, and incarcerated within the dark walls of an American Bastile. As it will be regarded a matter of curiosity in American history to know how these arrests were made, and how citizens, not charged with an offence, were treated under the brutal system adopted during Mr. Lincoln's Administration, we have been at some trouble to learn the facts, and here present them.

Mr. Johnson's case is not dissimilar to the general history of many others. He was conveyed from his home, in Galena, Illinois, to Chicago, where he overtook Mr. Sheean, who had been arrested only a few hours before him; thence, in company with that gentleman, he was transported to New York city, and handed over, at Elm Street, to the tender care of Kennedy, Superintendent of Police. This man was the well-known jailer of Mrs. Isabel Brinsmade, who was confined, for *forty days*, in a dungeon in one of the station-houses in New York, without any one knowing where she was, and without any charge against her. Mr. Johnson was confined in what was known as the "Inner Temple," a low, dirty, ill-ventilated room, partially under ground. Here, for the first time, the prisoner began to realize what it meant to be a "prisoner of state."

From there, he was conveyed, closely guarded, to Fort Hamilton, where Lieutenant-Colonel Burke, a gruff old soldier, on seeing the despatch from Stanton to incarcerate him in Fort Lafayette, ordered out a file of soldiers under an officer, by whom he was escorted to the vessel which carried him to the Fort.

While crossing to the Fort, he could observe the dark, dungeon-like walls of the octagonal-shaped Fort, black, frowning, and solitary, arising from

> "those hidden rocks, where sleep
> The channelled waters, dark and deep."

The thought came hurriedly to his mind, Can this be republican America? or are we the victims of French and Austrian despotism? When a prisoner entered the portals of this Fort, he was dead, so far, at least, as the outside world was concerned, and soon found himself subject to the unbridled caprice of a "despotism that knew no bounds."

On entering the Fort, Mr. Johnson was taken to the office of the Commandant, who, on learning his name and residence, entered them in a register, without preface or apology. He then, with the *sangfroid* of a highwayman, demanded his watch, money, gold pencil, studs, finger-rings, medicines, trunk-key, etc., as unnecessary to be retained by the prisoner. Mr. Johnson says, "I handed them over reluctantly to a man of whom I had formed a bad opinion." He was then taken to an anteroom, accompanied by a sergeant and two soldiers, to manage him, should he prove refractory. Here he was divested of his clothing, and searched. They were rewarded with finding in his breast-pocket two percussion-caps, which were, no doubt, laid before the eyes of the astonished Lieutenant as dangerous matter; perhaps, diminutive torpedoes by which the massive foundations of the Fort were to be blown to atoms. After this was accomplished, he was dismissed, and told that his trunk would be sent to him when examined.

He was then taken to Battery No. 6, a long room on a level with the ground, and having a brick floor. Here he was furnished with an iron stretcher, a mattress, and a blanket. This room contained five heavy cannons, mounted on carriages, ranged side by side, and each pointed through a port-hole, so as to command the channel. The place was filthy, damp, and dark—the air fetid and unwholesome. He found in it some forty-seven prisoners, crammed together among the gun-carriages, and as uncomfortable as they could be made. These persons soon instructed him in the discipline of the Fort, which consisted of every petty annoyance that could be invented to render the situation of a prisoner disagreeable, and, if possible, to break down his spirit, destroy

his manhood, and cause him to accept such terms as were prescribed by the Administration as the price of liberty.

The Bastile, like death, brings to an equality all it swallows up. The undaunted patriot, guilty of no crime but that of maintaining the rights of a freeman, and who dared to speak in opposition to the Administration, is treated with more severity than the wretch, who would betray his country for gold. Here were men wearing the insignia and uniform of an honorable service, degraded to be the tools of a despotism that has scarcely a parallel even in the *Bastile of France*. They were sensible of the shameful and cowardly service imposed, and sought to justify themselves as the agents of a lawful power, saying that "they simply obeyed orders." They had given themselves up as willing instruments of outrage and wrong, and felt that an ignominious punishment would be a just reward for their compliance. Had they not lost all self-respect, and submitted themselves, as mere machines to do the will of arbitrary power, they would have felt the dishonor of their work sticking as close to them as did "the poisoned shirt of Nessus to the back of Hercules."

Mr. Johnson was subjected to the rigor and petty tyranny of a shoulder-strapped turnkey, who compelled the prisoners to submit to the taunts and insults of the sentinels put over them, night and day. The prisoners were reprimanded or punished if they retorted, or resented the taunts or acts of the soldiery, some of whom took every occasion to insult them. They were compelled to go to the sally-port and ask permission of the Sergeant to go to the other prisoners' quarters, or to draw a bucket of water out of the cistern at their own door. The same permission was required to get coal or wood. They were compelled, also, to stay in their apartments, or within a space of fifteen feet square in front of them, except for a few moments, morning and evening, when all the prisoners, except Soulé, Mazzaran, and Thomas, were allowed to mingle together in the open court, a space about thirty yards square, within the Fort. This was all the exercise allowed.

The wives and friends of the inmates who came to visit them, after first going to Washington, and, as a great favor, obtaining a pass from Secretary Stanton to enter, were required to hold their conversations, which were limited to an hour, in the presence of the Commandant. At the close of these interviews, a guard marched the prisoners back to their quarters, and the visitors were set on shore. The interviews were duly noted and reported to Washington, with such comments as were thought proper and necessary.

At sunset, the prisoners were compelled to "get into their holes." The doors were locked upon them, while the window on the same side, large enough to admit a man's body, was left open. They were not allowed to talk or have a light after 9 o'clock P.M.; and, as Mr. Johnson was informed, the sentinel had, a short time before he arrived, fired through this window on the prisoners for conversing, in disobedience of orders. They were not allowed conversation with the soldiers, and on one occasion, when one of the latter was arranging the window, or fire-grate, an officer with an armed sentinel stood by for hours, to prevent communication. When a ship was fired on, in order to make her return and report to the revenue-cutter, they were all locked up; and on one occasion, when the British ship "Dispatch" refused to return, but anchored under the guns of the Fort, they were kept confined for forty-eight hours. They were also locked up when those in solitary confinement were taken into the presence of the Commandant.

THE MANIAC.

"A scheming villain forged the tale
That chains me in this dreary cell:
My fate unknown, my friends bewail;
O 'sentry,' haste that fate to tell!
Oh, haste my 'mother's' heart to cheer;
Her heart, at once, 't will grieve and glad
To know, though chained and captive here,
I am not mad! I am not mad!"

There was confined in one of the cells of Fort Lafayette,

a poor prisoner from Baltimore. He was a "political prisoner," and manifested symptoms of insanity. His friends, and some of the physicians who were among the prisoners, called Lieutenant Wood's attention to the case. He treated the statement with contemptuous indifference at the time; but a few days afterward, the prisoner was sent to the guard-house. Instead of being sent instantly to the asylum, he was kept in the guard-house, and in *double irons*.

His cell was darkened, a sentry marched night and day before his prison-door; and he was permitted no intercourse, not even to see the other prisoners or friends. Surrounded by strange soldiers, he was, at times, apparently in an agony of dread. His shrieks were fearful, and one dark night, when he imagined he was about to be murdered, his screams were painfully startling to hear. In some of these paroxysms, he was actually *gagged* by the soldiers. So strict was his confinement, that when an aged and widowed mother, who for months had been seeking to obtain an interview with her son, at last, having obtained it, came one Sabbath-day to visit him, he was taken from his dungeon to the Commandant's room, in which she was permitted to see him, by a file of soldiers detailed to guard him from his cell; but not before all the other prisoners were locked in their rooms, and a double guard placed in the sally-port. A letter written by one of the prisoners to the counsel of the unfortunate man, in Baltimore, urging the exercise of his influence with the Government, on behalf of the sufferer, was not allowed to reach its destination, although directed to the care of Lieutenant-General Scott. He was detained in the Fort until he became a raving maniac. In this condition, Mr. Stanton's oath of *loyalty* was administered to him, and he placed on shore as helpless as a child. He would doubtless have perished, had he not been picked up and cared for by strangers. In this instance, a kind Providence threw in his way Mr. Hopkins and Mrs. Gelston, who cared for him until his friends could come to their relief, and bear him home to an early grave.

It may be asked, could it be possible, that these things

should occur in a Christian community, and not arouse every instinct of our natures to right the wrong? We forget, when we ask that question, that a prisoner within the walls of Fort Lafayette was beyond the reach of the process of the courts. A brass six-pounder, derisively called the "*habeas corpus*," stood loaded, to guard the sally-port of the Fort, and sweep out of existence the Sheriff and his *posse*, should he attempt to execute a writ of *habeas corpus* on the commander. A prisoner could have no communication with his friends, except by permission, and thus every right of a freeman being outraged, he could have no means of making known his complaints, or of publicly exposing the crimes committed by those in authority.

Mr. Johnson says: "Here you would see men from almost all the States, the largest portion of whom were in the vigor of manhood. You would find men who had ably represented our Government at foreign courts, had adorned the United States Senate, been Governors of States, Judges of Courts, members of Congress, State legislators, doctors, lawyers, farmers, and indeed almost all departments of business were here represented, not one of whom was tainted with any crime."

At reveille the doors were unlocked, and light and air admitted to the prisoners. Shortly after, breakfast would be announced, when they were marched under guard, a few yards, to Battery No. 1. Here was set a long table, made by placing rough pine boards on trestles, so as to raise it about the height of a man's breast, when standing. On this table, assigned to each prisoner, was a dirty tin plate, with a piece of bread, and a tincup of what was called coffee, made and sweetened in a large iron vessel. This was the breakfast. Supper was the same, with the addition of a raw onion occasionally, as an antiscorbutic. Dinner, which was the chief meal, consisted of a cup of water, a piece of boiled fat pork, *cold*, and a piece of bread. When the scurvy made its appearance among some of the prisoners, fresh meat and vegetables were sometimes allowed. The cutlery consisted of a pocket-knife, if

the prisoner had been fortunate enough to retain one; otherwise his teeth supplied the deficiency. All meals were partaken of standing, and in silence. A guard with a musket and fixed bayonet stood at the backs of the prisoners. When the meal was finished, they were marched back to their quarters.

In addition to the many acts of barbarism, we cite one: John Hipkins was put in the guard-house, a darkened place, six feet long and proportionately wide, and there compelled to remain, and sleep upon the brick floor without bedding or covering, for twelve days and nights. This punishment was inflicted because he had wrested a chair out of another prisoner's hand, which was in dispute between them.

Who can form an idea of the dull monotony of Bastile life at Fort Lafayette? Language is inadequate to describe the anxiety and *ennui* of the prisoners, as hour after hour, and day after day, they longed for their release. It was hope baffling despair. "To-day, hope put forth her tender leaves, which on the morrow were withered by the sun of despair." To their right and left were men in solitary confinement, some of whom had not seen the light of day for months — denied all communication or association with their fellow-prisoners, and even refused the use of a Bible — their condition was miserable. The guard, in handing their scanty supply of bread and water, was prohibited from answering any questions, further than to say, "I will report your request to the officer of the day," or, "It is not allowed." Who can wonder at the wrecks of humanity incarceration caused?

We now give a short sketch of the casemates. They were occupied, generally, either as mess-rooms or places for solitary confinement. Sometimes, however, several persons occupied one casemate. When casemate No. 4, which had been occupied by Dr Olds as a solitary prison-house or dungeon, was converted into a mess-room for thirteen prisoners, and the barricade taken down so as to admit light and air, it was curious to examine the calendar of events kept by him, on

the walls of that dark and lonesome prison, by means of an old rusty nail, during the long and dreary days and nights of his solitary imprisonment, in that dark HELL.

To understand the construction of the casemates fully, the reader is informed that Fort Lafayette is in New York Harbor, in the centre of the channel, surrounded by water, and having Forts Hamilton and Richmond on either side. The ground on which it stands is but slightly raised above the tidal wave. To make a solid foundation for the second tier of ordnance, it was necessary to throw up heavy arches. *The rooms under these arches are called casemates.* They are about twenty-one feet long by thirteen wide at the base, and of sufficient height, in the centre of the arch, to permit a man to stand erect. A door and grated window open into the court or centre of the Fort. At the other end, two small port-holes. heavily and doubly grated, look seaward. From their construction and want of ventilation, surrounded as they are by the thick stone walls of the Fort, where daylight scarcely enters, they are exceedingly damp. On first entering them, the prisoner was sickened by the peculiarly disagreeable smell. The atmosphere was so damp that, in twenty-four hours, a green mould would settle upon a leather trunk, so thick, the prisoners could write their names legibly on it with their fingers. Such were the quarters in which human beings were crowded for months and years.

This is a truthful, but feeble picture of an American Bastile, under the Administration of Abraham Lincoln, in 1861–2–3–4.

Mr. Johnson, believing that some imposition had been practised on the President, in consideration of his long acquaintance, intimacy, and friendship with him, wrote the following letter:

"FORT LAFAYETTE, September 7, 1862.

"President LINCOLN:

"*My Dear Sir:*—You will no doubt be as much surprised to find me here, as I am to be here, by order of the Secretary of War. I need hardly say to you, the Government has been imposed upon,

as I solemnly declare to you I have never in word, thought, or act done a disloyal thing to my country. I therefore request that you will order your Judge Advocate to examine into my case with as little delay as the public interest may require. Holding myself ready to answer for every act of my life, I am, sir,

"Yours truly,

(Signed) M. Y. JOHNSON."

(Indorsed, "Private.")

From the character of the letter, it will be seen, Mr. Johnson had no suspicion that Mr. Lincoln was the instigator of his arrest. The letter is an open, frank appeal, such as an honest man would make. But the result was far different from what might have been expected. It was known to Mr. Lincoln then, that there had never been any charges filed against Mr. Johnson. Instead of giving an order for his discharge, Mr. Johnson, in two or three days afterward, received a visit from the Judge Advocate, and, from what transpired, no doubt can be entertained but that he would have been discharged, had he submitted to certain terms and conditions. It will be remembered, at that time, as a condition of release, the Administration imposed, in addition to the oath of loyalty, a condition that the prisoner would not seek any redress, by suit or otherwise, for the injuries committed. Mr. Johnson was not the man to tamely submit to an outrage, and voluntarily exculpate the perpetrators.

When the Judge Advocate, L. C. Turner, appeared at the Fort, he was accompanied by his Secretary, who noted down the admissions of the prisoners. The Commandant of Fort Hamilton, and the officers of Fort Lafayette, in full uniform, were present as witnesses. A file of soldiers was stationed in the anteroom. Several prisoners were examined; among them, Mr. Johnson, who was received by the Judge Advocate with great politeness and suavity of manner, and quickly engaged in conversation, with the intention of throwing him off his guard, securing his confidence, and hoping, before his suspicions were aroused, he might drop some expression that could be tortured into evidence against him. This was the

manner of acting toward all the prisoners. In this case, it failed. The Judge Advocate blandly inquired, "Do you know with what you are charged?"

MR. JOHNSON. "No, sir, I do not."

JUDGE ADVOCATE. "Are you not Yankee enough to guess?"

MR. J. "I have not a drop of Yankee blood in me, sir, and no disposition to guess. If there are any charges against me, I desire to know what they are, and who are my accusers. I stand ready to defend any and every act of my life."

J. A. "Mr. Johnson, did you bring a suit against Bradner Smith?"

MR. J. "I did, but I had too much confidence in the Government to believe that it would interfere, and make the professional act of a lawyer, in bringing a suit between two private individuals, a pretext for an arrest."

The Judge Advocate then requested a statement of the facts. Having nothing to disguise, Mr. Johnson briefly recapitulated the facts, which the Judge Advocate said were entirely satisfactory to him. Mr. Johnson, feeling satisfied that whatever the pretext might be, his arrest had been caused by E. B. Washburne, inquired of the Judge Advocate if such were the fact. He gave an ambiguous reply, and said, "I do not know that Washburne was in Washington when your arrest was ordered by the Secretary of War." He then continued, "I will ask you a question: you need not answer it, if you do not choose. Do you belong to a secret society called the Knights of the Golden Circle?"

MR. J. "I do not belong to that or any other secret society, except the Masonic fraternity."

After some further diplomacy and professions of friendship, he asked Mr. Johnson: "Are you willing to take the oath of a loyal man?"

MR. J. "I have taken it frequently as a lawyer, and have never yet violated it. I have not the slightest objection to taking any oath the law imposes on the citizens of my State; but I will take no oath that may be prescribed by any official, intended, by implication, to impeach my in-

tegrity as a man, and cast a doubt on *my loyalty to the Constitution of my country.*"

J. A. "If you are a loyal man, you cannot object to taking an oath to support the Constitution."

Mr. J. "I have no objection to the oath itself; but my taking it would be construed into an admission that I have been guilty of some crime or offence. I would not purchase my freedom at the expense of my honor and manhood."

At this point the farce ended, so far as the examination was concerned; but not its consequences. On the report of the Judge Advocate to the authorities at Washington, it appeared that the *prisoner was not subdued either in spirit or temper, and was unfit to be released.*

A short time after the above interview with the Judge Advocate, an order was sent from Washington, to remove him from Fort Lafayette to Fort Delaware, on the ground that he was contumacious, and demoralizing the prisoners in the Fort. He had refused their unconstitutional oaths, and dared to maintain his manhood. This was demoralization. They had failed to impose terms, and he was to be further outraged. With the same mystery that controlled all these illegal proceedings, the prisoner was taken to the office, and, without any intimation that he was to be removed, was handed over to those appointed to take charge of him. He was receipted for, as though he were dead property. No intimation could be obtained, either from the officer of the Fort or those taking charge of him, as to where he was to be removed, or what was to be done with him. Finding that he was to leave the Fort, he asked permission to bid farewell to his comrades in misfortune, and to see a fellow-prisoner, to whom he wished to give some money. *Permission was given to leave the money, but he was refused an interview.*

He was taken from the Fort, and conveyed to the House of Detention in New York city, and there thrust into an apartment among bounty-jumpers, negroes, and thieves. Here he had his option of remaining in this place, which was about five feet in width and nine in length, or of enjoying

the liberties of the yard in common with other prisoners. The yard consisted of an open space, forty feet in width by one hundred in depth, surrounded by a brick wall thirty feet high. Unpleasant as the associations and surroundings were, it was a change from the dull monotony of the Fort, and was, for a time, some relief to his mind.

But here he was unfortunate in making himself an object of suspicion. Falling in with one of the principal officers of the "institution," he inquired "if the jurisdiction of the *Courts* of *New York* were as powerless there as in Fort Lafayette." The very question seemed to raise in the officer's mind the writ of *habeas corpus*, civil and criminal prosecution, etc. Mr. Johnson was at once excluded from all communication; and soon an order came, by telegraph, from Washington, to remove him to Fort Delaware. With the order, came an admonition to the officer that the prisoner was a "*desperate character, and had better be ironed.*" When the order was communicated to him, every feeling of manhood was aroused. Turning to the officer, he said: "*I may be further outraged, as I have no power to resist — that is the act of others; but to be humiliated by them would be my own act, and it never shall be done.*" The officer was impressed with his manner. He believed the order to be dictated by malignity, and unnecessary; therefore neglected to put Mr. Stanton's jewelry on him, and the transfer was safely made without. On reaching Fort Delaware, he was placed under Major Henry S. Burton, a regular army officer, then commander of the Fort. It is but a just tribute to his humanity, as well as to his honorable conduct, to say the prisoners were relieved from all petty tyranny, and treated with as much consideration and kindness as his position under the circumstances, and the nature of the service demanded of him, would admit. On the 28th of October, not being released, Mr. Johnson again addressed the President. We copy the letter from the "Congressional Globe," p. 664, 1st part, 3d sess. 37th Congress, as contained in his memorial to Congress. It is a bold, manly letter, and speaks for itself:

"FORT DELAWARE, October 28, 1862.

"*Sir:* I addressed a letter to you on the 7th of September, from Fort Lafayette, informing you of my arrest at Galena, on a telegraphic despatch from the Secretary of War. I was at once transported beyond the jurisdiction of my State, and after being detained in Fort Lafayette some sixteen days, I was removed to this place. I have been detained here ever since, and, strange to say, up to this day I have no knowledge of what offence I am charged with, or who is my accuser. I solemnly declare to you, I have never by word, thought, or act done a disloyal thing to my country. The Government has been imposed upon by the machinations of private malice, through the representation of a dishonorable member of Congress, (as I am induced to believe, from the facts within my knowledge.) I have patiently endured all these things, hoping my Government would inquire into my case and vindicate me. I have addressed communications to the Judge Advocate, General Wool, and the Secretary of War, respectively, as I was advised at the time I was under each of their jurisdictions, neither of whom have condescended to answer. I now appeal to you, as the head of the nation, whose duty it is to see that personal liberty is protected, to interpose in my behalf. If I am charged with an offence, let me be informed of it, that I can vindicate myself. If I am not, then, in the name of common justice, do not punish me. It cannot be the object of the Government to punish those who are not guilty of an offence. From your acquaintance with me and Mr. Washburne for the last eighteen years, you should be able to determine, with some accuracy, whether I am guilty of an offence against my country, or, taking advantage of the peculiar times, he has availed himself of his position to carry out petty malice. In either event it is due to me, the Government, and yourself, that I either be tried or discharged. You, as well as myself, know that the personal liberty of the citizen is of more importance to the country than all other rights, and without which all others are valueless. Under these circumstances, believing you should have no other object in view than to see the law duly administered and individual liberty protected, I am induced, as a matter of justice to myself, to ask your interposition, holding myself ready to answer for every act of my life.

"Under these circumstances, with a knowledge that the Gov-

ernment has been imposed upon, and it being both your duty, as it should be your pleasure, to protect her citizens, I cannot doubt, when your attention is called to my case, you will take action in the premises. My detention can effect no good to the Government, and does me an absolute injury. In no view can my further detention be justified.

"Hoping soon to be discharged, I am

Respectfully yours,

(Signed) M. Y. JOHNSON.

"To His Excellency President LINCOLN."

This, like his former letters, brought no reply. With a full knowledge of the facts, what can be said, after reading the above letter, in favor of Mr. Lincoln's honesty, his humanity, or his sense of justice. His revolutionary partisans may seek to excuse his conduct, but they forget he was a *sworn officer*. The excuse rendered convicts him of a greater crime against the Constitution than the outrage complained of. He was sworn "*to faithfully execute the office of President, and to the best of his ability to preserve, protect, and defend the Constitution.*" Is not personal liberty secured under that oath? In the Preamble to the Constitution, it is declared to be the object to "establish justice," and "secure the blessings of liberty;" and, to put the matter beyond all cavil and dispute, it prohibits the arrest of a party without oath and warrant, or removing him beyond the State. If Mr. Lincoln had believed Mr. Johnson guilty of an offence, he committed a greater crime, as the trusted Executive to execute the laws, as he violated that law when he ordered the arrest and imprisonment. Mr. Raymond, his apologist and historian, in speaking of these arbitrary arrests, says: "They have not been made for punishment, as there has not been an indictment or a trial in a single case, or any punishment whatever, beyond what was purely incidental," etc. (Page 354.)

What, we inquire, were they made for? His friends may urge that he acted on a "supposed necessity" to preserve the Government. This is the only reason that can be assigned. From whence came this law of necessity? Who ordained

it? Who are its expositors? Who is commissioned to administer it? Not the President. He is sworn to support the Constitution of the United States. That to him is declared to be the supreme law of the land. This doctrine of necessity is the old plea of tyrants, and, whenever submitted to, overthrows free institutions. To say the Administration may make arrests without regard to law, is wholly fallacious. It is a despotism tainted with the odium that justly attaches itself to the French monarchy, when "*Lettres de Cachet*" were the instruments of consigning the victim to a dungeon. The ukase of Russia's Czar exiles the subject to Siberia—the order of the Sultan of Turkey consigns the object of his displeasure to the Bosphorus—and the President, on his plea of necessity, opens his American Bastiles to receive his victims.

During all the time of his imprisonment, Mr. Johnson's friends were active in their efforts to secure his release or hasten his trial. The Executive of the State of Illinois was appealed to, and made a feeble requisition on the Administration to have him returned to the Sate for trial. But he was not charged with an offence; therefore there was nothing to try. Petitions and remonstrances had been signed, and sent to Mr. Lincoln, asking his discharge. The Democratic members of Congress of the State had joined in a request demanding his trial or release. The City Council had taken action and petitioned the President for his release; a volunteer company starting for the war had petitioned the Secretary of War to discharge him. Mr. Johnson himself had memorialized Congress for an investigation and relief, on the ground that the EXECUTIVE *would not, and the Court could not* protect personal liberty.

The Administration resisted all these influences, and held on to the prisoner, with a full knowledge that he was not only *not guilty* of any offence, but was not charged with one. What was perhaps a mistake on their part in making the arrest, became a crime; and to protect themselves from the consequence of their violations of law, it became necessary that some excuse or justification should be found. They

had arbitrarily invaded a sovereign State, seized and transported one of her citizens a distance of a thousand miles, and imprisoned him without any of the forms of law. Their attempt to impose terms and unconstitutional oaths, that could be construed to his injury, had failed. To shield themselves and give some color of excuse for their conduct, they called to their aid their Provost Marshals, spies, and detectives, who, by *ex-parte* examinations of Mr. Johnson's servants and those that had been in his employ, endeavored to find out something on which to base a charge. But this experiment failed. Perjury was not as cheap then as afterward. The Department had not discovered Connover. The Bureau of Military Justice, with Judge Holt at its head, had not then been organized. Stanton had not yet ordered Military Commissions, "organized to convict." Things were becoming desperate. All confidence in the personal security of the citizen was being undermined. The country became alarmed at the arbitrary acts of the Administration, and began to speak out. The great State of New York had gone Democratic, and elected Horatio Seymour Governor. Illegal arrests were becoming unpopular. Mr. Johnson's friends had quartered themselves in Washington, and were paying daily visits to Mr. Lincoln and the Secretary of War. A Democratic Legislature for the State of Illinois was soon to convene, and it was vaguely hinted that it might take some action prejudicial to the policy of the Administration. At this juncture, Mr. Hunkins, a friend of Mr. Johnson,again called on Mr. Lincoln to urge his release. In conversation, the President said, "Mr. Johnson has given us more trouble than all the political prisoners. He is stubborn, but you must see Stanton." Stanton was seen, and said he would be discharged in a day or two, under a general order. The general order was issued and published, (order of 26th of November, 1862,) but it brought no release; for when it was published, the Secretary of War telegraphed to the Commander of the Fort to disregard the general order in his case, and to hold him subject to "special orders" At the same time, in his *official report*,

he informs Congress that all the political prisoners were discharged. Such deceit and hypocrisy on his part were but short-lived. In less than ten days his duplicity was discovered, which served only to alarm Mr. Johnson's friends, who, now beginning to fear foul play, became more clamorous for his release.

Mr. Hunkins, believing Washburne was the obstacle in the way of his release, approached a friend of his that he knew would carry all he said to Washburne, and told him that he had just heard from home, that there was terrible excitement there, that Johnson and Sheean's friends believed that he (Washburne) was the cause of their not being released, and that his (Washburne's) personal safety depended on their being discharged at once. This had the desired effect. In less than an hour, Washburne hunted up Mr. Hunkins, and learning from him it was the general feeling that they were held at his instance, Washburne said he would do anything he could, and asked, "What can I do?" Hunkins said, write a letter to the Secretary of War requesting their release, and it will be done at once. He then invited Mr. Hunkins to his room, when he said to him, "No, I cannot write it, but you write it, and I will see the Secretary, and it will do just as well." Seeing his fears were operating on him, and desiring to commit him beyond retraction, Hunkins said, "I do not know how to address these officials. You write it, and I will sign it, and take it to the Secretary of War." Washburne sat down and wrote the letter, asking their immediate discharge. Mr. Hunkins signed, and delivered it to Stanton, saying to him, "Mr. Washburne will call in reference to the subject." Stanton then asked him if he could not see his friends and induce them to take the oath. Mr. Hunkins replied, "It is no use to offer it. *I know the men; they will die first.*" Shortly after he left the office, Washburne entered. In about an hour, Mr Hunkins called again, and on entering the office, Stanton turned to him, remarking, "The order has been sent — your friends are discharged." A simple recital of the facts is all that is necessary to show there was a conspiracy on the part

of those in authority to outrage and destroy Mr. Johnson; and it only failed through his firmness and the persistent efforts of his friends, after some four months' imprisonment. We ask the apologists of Mr. Lincoln and his Administration, how they can palliate or excuse such conduct, or reconcile it either with honor or private or public integrity. Neither Mr. Lincoln nor his Secretary of War were in any sense *judicial* officers. They had no legal authority to order the arrest of any one, either with or without the forms of law. The State of Illinois was not in rebellion. The courts were open for the punishment of crime. It was a wanton violation of duty, for which any monarch of Europe would have lost his head. We might as well undertake to justify the assassination by Booth as to defend the acts of usurpation and tyranny of the *Lincoln Administration*. It passed beyond the control of all laws, tribunals, and constitutions, and grasped at arbitrary power. If he would not credit the letters of Mr. Johnson, the examination of his Judge Advocate, the petitions of the people, the demand of the City Councils, the remonstrance of the members of Congress, the requisition of the Governor of the State, with the fact that no charge could be based on the *ex-parte* examinations of his Provost Marshals, spies, and detectives, how, we inquire, could his sense of justice be reached?

History, in commenting on his acts of usurpation and tyranny, will tear off the veil of "Honest Old Abe," and place him as a bad man side by side with Louis XI. and Lucretia Borgia, possessing their malignity, without their virtue or courage.

When the order came for Mr. Johnson's discharge, and he was told he was free, liberty itself was not a boon that was to be accepted without placing himself in a position to be vindicated, knowing that an Administration that had wantonly violated the rights of the citizen, would not stop at the act of destroying the records of his incarceration. He determined to carry with him evidence of their guilt. How to get it was the question. Mr. Johnson was not long in

devising a plan to obtain what he wanted. He insisted he might be rearrested, unless he had a written discharge, recapitulating all the facts of his arrest, removal, detention, and discharge, with certified copies of Stanton's orders. Not thinking they were furnishing the only link not in their power to destroy, connecting them with the outrage, they gave Mr. J. the desired certificate of discharge. Armed with this, well might Lincoln exclaim, "He has given us more trouble than all the political prisoners." If his departure from home was in mystery and silence, his return was in enthusiasm and joy.

We copy from the daily "Democrat," of December 24, 1862, his return home:

"The progress of M. Y. Johnson and David Sheean from the Republican Bastiles toward their homes in Galena, was such as could not fail to be highly gratifying to them, and not less so to their thousands of sympathizing friends. At Chicago they were honored by an extemporaneous ovation, which demonstrated the fact that the petty tyranny of the Republican rulers was justly repudiated. . . . , At Freeport, the enthusiasm of the people burst forth in a way to convince all but the wilfully blind that arbitrary arrests in Illinois had ended, and that, despite all the endeavors on the part of the Union haters to perpetuate the reign of terror, the people were sternly demanding the right to think, to speak, and to act in accordance with their own cherished convictions.

"At Scale's Mound and Council Hill, similar and equally enthusiastic demonstrations were made, but it remained for the Democrats of Jo Daviess County to crown the glory of this most magnificent expression of public joy in Galena, where the 'honorably discharged' and now triumphant victims of lawless oppression were best known and most justly appreciated. A dozen bonfires crowned the high places by which the city is surrounded. The murky darkness of the night was dispelled by numberless rockets, and the city was adorned by a brilliant illumination and beautiful transparencies. At the depot, thousands were in waiting to welcome to their homes the now 'honorably discharged' victims of lawless power; and on the arrival of the train which

brought Messrs. Johnson and Sheean from Chicago, shout after shout and cheer after cheer went up in testimony of the joy that was felt by every heart, while the very heavens were lit up by the grand display of fireworks and innumerable torches borne by the joyful and deeply excited crowd. A short but eloquent speech of welcome was delivered by Mr. Shissler, at the house of Mr. Johnson, which was feelingly responded to by Mr. Johnson and Mr. Sheean. They were then escorted through the principal streets to the City Hall. On the arrival of the procession the display of fireworks was magnificent beyond description, and the exultant cheers of the multitude were sufficiently powerful to 'create a soul under the ribs of death.' Here the large assembly was addressed by Messrs. Johnson, Sheean, Mahony, Richards, Samuels, Hutchins, and Baggs, after which the crowd dispersed.

"The speech of Mr. Shissler was able and eloquent. He said: 'Madison Y. Johnson and David Sheean: It is my happy duty, in behalf of the people, to express their heartfelt joy in greeting you on your return from a cruel, tyrannical imprisonment. To-night, the public heart, kindled with wild delight, extends to you a warm, enthusiastic welcome. You are welcome because you have stood up like noble and heroic men when the rights and liberties of American citizens here have been outraged and trampled down. Your prompt, decided, and energetic action in opposing this mad spirit of Abolition fanaticism, which threatened to destroy every expression of constitutional liberty in our midst, caused you to become the shining mark for Government spies and official assassins. When you were dragged away and imprisoned in Abolition Bastiles, as the Constitution was violated in the person of one of you, it was violated as to all citizens. Your cause then became the people's cause. When you suffered a long and painful imprisonment, it was in support of our common rights under the Constitution.'

"He concluded his eloquent address as follows: 'In all ages, men who have dared to oppose a tyrant's mandate, have been called disloyal. The ancient Eastern king had his furnace of fire in which to destroy all men who would not obey the *fiat* of arbitrary Executive power. Our king has his Bastiles in which to imprison all citizens who proclaim their adherence to the Constitution and laws And, as the furnace of fire has caused that

ancient king to be remembered only for his crimes, wickedness, and folly, so the Bastiles of this country will perpetuate the ignominy and disgrace of our king down to the latest generations. Sirs, you have passed through a more than fiery ordeal, but you have come out crowned *with the laurel-wreath of victory*, with your character unstained, your honor unsullied, and your manhood untarnished. In addition to the outrages suffered by you, these usurpers and satraps endeavored to impose conditions which would have brought shame and dishonor upon you. But you displayed a calm courage, an unbending integrity, a manly heroism, which can never be forgotten, and which, while it serves as an example, to excite our admiration and challenge imitation, it will also exist as a memorial of tyranny, and perpetuate the infamy of the present Administration. All hail, noble compatriots; welcome, thrice welcome, once more, to your homes.'

"Response of Mr. Johnson: 'Mr. Speaker, and you, my friends and fellow-citizens: I have no language that can express to you my feelings at so grand and triumphant a reception as meets our view on this occasion; neither have I the vanity to believe, that any personal popularity of Mr. Sheean or myself could have induced the multitude that I see before me, to subject themselves to the inconvenience of both rain and mud to be present. But let me attribute it to the real cause: that you are here to testify your approbation of our course, and vindicate constitutional liberty and personal security, as the same has been struck down in our persons.

"'Near four months ago, by the arbitrary and despotic acts of one of the chief clerks of the present Administration, without authority, or any of the forms of law, but in palpable violation of the Constitution of the United States and this State, two of your citizens were kidnapped, one in the very presence of the Court, and with his knowledge, if not his approbation, and transported beyond the State some twelve hundred miles, and incarcerated in a Military Bastile, where it is a *crime* in the estimation of this Administration to attempt to avail yourself of the protection of the laws of your country to get a hearing before any tribunal known to the law. Such, however, my friends, is the enormity of the outrages this beneficent Administration is daily perpetrating on American citizens, that it would shame an Austrian despotism when its venality and tyranny are exposed. I

was arrested by order of the Secretary of War, on a telegraphic despatch, while engaged in the defence of a murder case, and have been transported across a half-dozen *free States*, confined in two Military Forts of the United States, and also in the House of Detention in New York, under the care of that estimable protector of female character, the Kennedy of Mrs. Brinsmade notoriety; and during all this time, I have assiduously tried to find out what I was charged with, or who was my accuser, by repeated applications of myself and my friends, to the President, the Secretary of War, the Judge Advocate, and every military commander in whose charge I have been placed; and to-day, after nearly four months' imprisonment, I am turned out, without any information as to who was my accuser, or what offence I was charged with, notwithstanding I offered to submit myself to trial before any tribunal they might appoint, either civil or military, or a drum-head court-martial, and to defend every act of my life against the laws of my country.

"'Such is a part of the usurpation and tyranny that are practised by this fanatical Administration on free American citizens. I want to call their attention to a portion of French history; it may be suggestive to them of an episode in the management of the Bastiles in America. It is said when the heads of Robespierre, Danton, and Marat, and the chief actors in the reign of terror, came to the guillotine, or were laid low by the poniard, the Bastiles were opened, and the people regained some of the liberties they had lost. I have no time to teach history; I can only allude to it in passing.

"'In conclusion, I thank you again and again for this demonstration in favor of civil liberty and personal security. We may now say the padlock is taken off our mouths. The backbone of arbitrary arrests is broken; civil and constitutional liberty once more proclaimed; and may the infamous scoundrel be paralyzed when he seeks to introduce again a reign of terror or hold the rights and liberties of any of our citizens by despotic power. Any man, high or low, in office or out of office, that would violate the Constitution on any pretext, or for any purpose, is a TRAITOR, not only to the laws of his country, but to civil liberty, and will yet be brought to that just punishment he so richly merits.'"

ADDENDUM.

After Mr. Johnson's release, he commenced legal proceedings against J. Russel Jones, present Minister at the Court of Brussels, John G. Hawkins, O. P. Hopkins, Bradner Smith, and E. B. Washburne, present Minister to France, who undertook to justify Mr. Johnson's arrest by filing in the War Department *false affidavits* as to his disloyalty.

We have just received, as we are about to go to press, the result of the suit, which has terminated so signally in favor of Mr. Johnson, and also in favor of those personal rights once so sacred in the estimation of the American citizen.

The defendants, on trial, set up not only the scurrilous and unfounded matters previously urged in justification of Mr. Johnson's arrest, but also the two acts of Congress (see Appendix) legalizing all arrests made by the President's order; and a "loyal" Circuit Court, releasing all causes of action and damages to the injured party, held, in effect, that no one arrested by President Lincoln's order, "had any rights that a loyal Court was bound to respect." The case was thence appealed to the Supreme Court, where, in an able opinion, quite the reverse was held, and substantially as follows:

That the President had no such powers as those exercised in this arrest, and that he and all those acting under his orders were trespassers.

That, in his military capacity, his authority was restricted to the lines of the army.

That he could not declare martial law, or suspend the writ of *habeas corpus*, except in districts where war actually existed.

That Congress had no power to pass legalizing acts in support of the Executive assumption, and that they were consequently void.

That such power, as claimed for the President and his subordinates, cannot safely be intrusted to any Government

by a people claiming to be free. Where it is only limited by his discretion, it is an absolute despotism, and constitutional government merely a theory.

Finally, after striking out all the defence, the Supreme Court sent the case back, to have the plaintiff's damages assessed, when the following judgment was entered of record in the Court:

"STATE OF ILLINOIS, JO DAVIESS COUNTY.—CIRCUIT COURT, MAY TERM, 1869.

"Madison Y. Johnson *vs.* J. Russel Jones, John C. Hawkins, O. P. Hopkins, E. B. Washburne, and Bradner Smith.— Trespass for false imprisonment.

"And now come the said defendants, Jones, Hawkins, and Hopkins, and admit that the said pleas heretofore filed by them in said case, and the matters and things therein set forth against said plaintiff, are *untrue* in substance and in fact; and the defendants ask leave of the Court to withdraw the same, which is granted by the Court. And the said defendants further confess the wrongful trespass and imprisonment set forth in said declaration, and that the said defendants are *guilty* in manner and form as therein stated, and that said plaintiff has sustained great damage thereby; and said defendants further confess that the said seizure and imprisonment of said plaintiff was wrongful, unjustifiable, and without cause; and the said plaintiff was innocent of the violation of any law, or of doing any act inimical to the Government of the United States; and that said plaintiff did no act, used no expression, or exercised any influence to the knowledge of these defendants, that was not in support of the Government, the Constitution, and the laws.

"And inasmuch as said suit was brought by said plaintiff for a personal vindication of his character and conduct as a citizen, he releases the said damages, except as to the sum of one thousand dollars for costs and expenses incurred by said plaintiff on account of said wrongful seizure and imprisonment. It is thereupon considered by the Court, that the said plaintiff have and recover of and from the said defendants, Jones, Hawkins, and Hopkins, the said sum of one thousand dollars, and cost of suit, and that execution issue therefor.

"Filed and entered of record May 24, 1869."

Thus terminated the suit brought by Mr. Johnson.

We venture to say there is not one case, among all the prisoners mentioned in this volume, which would not have ended the same way before any impartial court or jury.

What must the Courts of France and Belgium think of our present national representatives, when this record of their deliberate infamy and admitted shame is spread before them?

GEORGE A. HUBBELL, THE NEWSBOY.

NEITHER age, sex, nor condition was free from the grasp of arbitrary power during the long night of political persecutions that enshrouded the land under the Administration of Abraham Lincoln. The old man, tottering on the verge of the grave, and the lad not yet old enough to discriminate between right and wrong, alike felt the heavy hand of the oppressor, as they were rudely and ruthlessly snatched up by Government officials, and unceremoniously thrust into nauseous guard-houses or dismal casemates. The lady whose sense of honor and independence would not permit her to

> "Crook the pregnant hinges of the knee,
> Where thrift may follow fawning;"

or she whose charity and humanity prompted her to minister to the wants of the dying, not in sympathy with the Administration; and the humble Irishman, who could not be induced to turn informer on his neighbors, shared the same fate, and became the occupants of a felon's cell.

George A. Hubbell, of Bridgeport, Connecticut, was incarcerated in Fort Lafayette on the 20th of September, 1861. He was a small newsboy—*a cripple*—who made a scanty living by selling newspapers on the cars of the Naugatuck Railroad. He was arrested as he was stepping on the train to make his daily journey.

As no charge was preferred against him, and no authority shown for the commission of such an outrage, this poor little fellow, who had done no wrong, was bewildered with grief and astonishment at finding himself a prisoner, and on his way to Fort Lafayette. Nor does he yet know why he was

arrested, unless it was because, a short time before, he had been to New York, and bought a few copies of the New York "Daily News"—a paper which was obnoxious to the Administration, but which had not then been suppressed—and furnished them to his old customers on his daily route.

He can imagine no other grounds for his arrest and imprisonment, as he had not "SPOKEN DISRESPECTFULLY OF PRESIDENT LINCOLN"—had not "ATTEMPTED TO DISCOURAGE ENLISTMENTS"—had not said "IT WAS UNCONSTITUTIONAL FOR THE PRESIDENT TO CALL OUT 75,000 MEN WITHOUT THE CONSENT OF CONGRESS"—had not said "THE WAR WOULD BE A FAILURE"—nor had he "ATTEMPTED TO RUN THE BLOCKADE."

This poor, little, penniless, and, most likely, friendless cripple was confined in a damp casemate of the Fort until the 26th of September, when he was released. He was as much surprised at his release as he was at his arrest and imprisonment. He was astonished at the magnanimity of the "Government" in discharging a prisoner so formidable, without first subjecting him to the inquisition of the BUREAU OF MILITARY JUSTICE.

WALTER S. HAWKES.

WALTER S. HAWKES was born in Somersetshire County, England, and on the 2d day of December, 1826. He was educated in his father's office for the profession of a surveyor and civil engineer, and served in both capacities on railroads in Wales.

He migrated to the United States in the fall of 1850, and for many years held positions on the Ohio Central, Cincinnati, Hamilton and Dayton Railroads, and others. He has never taken an active part in politics, although he espoused Democratic principles, and has uniformly voted with that party.

About two o'clock on the morning of the 22d of August, 1862, he was arrested at his house in Tamaroa, a town on the Illinois Central Railroad, by a party of armed soldiers, and marched to the depot. There a special train was in waiting, under the charge of Major Board, of Ashley, Illinois, who had with him a guard of forty soldiers.

At the depot he met his friends, Dr. Ross, Dr. W. E. Smith, Bedford Lurman, William Haynes, and Rev. O. H. McCarver, who had just arrived, and who were likewise under arrest.

Major Board showed no authority for the arrests, but it is presumed that he was acting under orders of the Provost Marshal of the District.

Mr. Hawkes has since learned the *modus operandi* of these arrests. It appears that Zebedee P. Curlee, William Woods, and D. C. Barber, members of the Union League of Tamaroa, made a written statement, (the precise contents of which have not been made public,) hiring a fellow — a non-resident of the State, and wholly unknown at Tamaroa — to swear to

it under an assumed name, before Henry Clay, Notary Public, who was also a member of the League. This paper was transmitted to Washington, and upon it, it is supposed, the order was issued to Provost Marshal Phillips, for the arrest of Mr. Hawkes, and many citizens of his and the adjoining counties. Subsequently, the prisoner, Mr. Hawkes, saw the paper in the hands of Judge Advocate Turner, at his office in Washington, D. C.

He was taken directly to Washington City, and imprisoned in the "Old Capitol," where he remained for six weeks in close confinement, guarded, and furnished with very indifferent food. It was currently reported at that time that the inmates of the building numbered four hundred. At the expiration of the above-stated time, Mr. Hawkes was released, without any charge having been preferred against him, or any trial granted him.

The room in which he was confined contained eighteen Illinois prisoners, six of whom were from his immediate neighborhood; the balance from adjoining counties, some of whom remained in prison for six months.

Mr. Hawkes is now residing at Dubois Post Office, on the Illinois Central Railroad.

REV. HENRY M. PAYNTER.

THERE are some features in the sufferings endured by Rev. H. M. Paynter, of Booneville, Missouri, during his imprisonment, which warrant a somewhat lengthened narrative. Descended from an ancient family, he inherited true love of country from a sire whose blood was spilled in the Revolutionary War, and whose name has honorable renown.

The blood of those who suffered for righteousness' sake flows in his veins, his ancestors having been compelled to flee from France upon the Revocation of the Edict of Nantes. After some years of pleasant and profitable labor in the ministry at Vicksburg, he entered upon, as he supposed, his life-long labors at Booneville, Missouri. There, for seven years, had he cultivated the field assigned him by Providence; and his labors in the Lord's vineyard were greatly blessed to the good and growth of the Church.

Beside the cultivation of his own field, his labors in different parts of the State were attended with the divine blessing. Fulton, Brunswick, Columbia, Lynn Creek, Glasgow, and Reth Counties witnessed manifestations of grace, which greatly refreshed God's people, and largely added to the number of believers in the Lord. There was he employed when the war began.

Although he sympathized with the people in the South he opposed secession as both wrong and heretical; teaching his people that it was the Christian's duty to be subject to the powers that be; since it was not theirs to make or to unmake government; but only to be faithful to Christ their King. His views were expressed in a discourse, preached January 4, 1861, and published at the request of his people, and which obtained a very wide circulation at the time.

When Mr. Lincoln was inaugurated, Mr. Paynter taught his people that it was their duty to give him that support and honor to which he was entitled as President of the United States. Both in his public ministrations and private work he enforced this duty by his example. His Sabbath-day prayers for the President were strongly objected to by some of his people. Thereupon he delivered a lecture upon the duty of every Christian to give all due allegiance to whatsoever Government he was under, and whose protection he enjoyed.

Whatever might be the relation of the seceded States to the General Government, Missouri had not, by any act of her people, renounced her allegiance; and that consequently Christians in her borders should be peaceable, law-abiding citizens of the same. And the duty to remember in all public prayers the President of the United States, as the President, is plain from 1 Tim. ii. 1, 2, and all similar passages. In fine, all Christians should be peaceable, law-abiding citizens, walking as Christ walked, and in nothing acting contrary to deep and devoted loyalty to Christ their King.

The result was satisfactory. The church, though divided in sentiment politically, continued united, nor was any objection subsequently made to the pastor's praying for the President. At the same time he believed in the right of private judgment, and clung firmly to the cardinal truth, that "God alone is Lord of the conscience." Opposed to secession as disintegration and civil death, he yet could not become a partisan in the strife, nor approve of all that was done in maintaining the Union.

As pastor, he took no side, but labored for all. After Booneville was occupied by the Federal forces, he gave his labors cheerfully to the soldiers. He gave them an invitation to worship with his people. He visited them in their sickness; they shared in his prayers for their good. As a minister of Christ, he labored to promote their spiritual welfare, and from great numbers did he receive expressions of grati-

tude for his interest in their welfare; and when a prisoner, their uniform kindness was a grateful return.

The following extract from a pamphlet published by Mr. Paynter during the war, explains very clearly his position at that time: "I close with my confession of political faith. I owe my Government allegiance, and cheerfully give it. But more, the sentiment of loyalty is deep and cherished. I love my country, my whole country. Opposed as I am to those measures which I believe are fraught with incalculable evil, I yet say, stand by, and sustain the flag, the emblem of our nationality and glory. Secession is disintegration, is political death. One flag, one destiny. The people should never consent to see one stripe erased, or one star blotted out, and my profound conviction is, they will not be; but that we shall come out of this conflict a united people, a prosperous and powerful nation. May God hasten the time."

Some time in August, 1861, he was very greatly surprised at seeing a squad of soldiers approaching him with a written demand to bring his body forthwith to the commander. Upon reaching the encampment, this astonishment was increased at seeing five respectable citizens escorted with himself into the presence of the commander. They were W. G. Burr, cashier of the bank; H. M. Ells, a physician; J. W. Draffin, a lawyer; R. D. Perry, a retired merchant, and J. W. Harper, a druggist. The officer told them he had *no charges* against any of them, but that he expected to be attacked by the rebels, and must defend himself. He had arrested them as persons of great influence, whose sympathies were with the South; that he held them as hostages; that if their friends desired to save their lives, they must find out where the enemy was, and keep him away; for if an attack was made upon him, he would put his prisoners up as targets, and if the conflict became severe, their lives should be the forfeit for the lives of his men.

The statement astonished the prisoners, as they were profoundly ignorant of any movement of the enemy, their whereabouts, or their designs. A firm but respectful remonstrance

was uselessly urged, and all were put in prison to await the day of attack.

Some days after, the six were all aroused about daylight, by the post commander, with the startling statement, "that the rebels had begun the attack, and that they must take their chances of life with his soldiers." They were marched within the intrenchments, and ordered into a tent. After the conflict had continued some time, and the rebels were preparing to carry the works by storm, by bayonet thrusts, accompanied by the most frightful cursing and oaths, the prisoners were ordered to mount the works and be shot by the advancing rebels; or, "if their shots fail, we will shoot you ourselves," said the demoniacal captors.

No alternative was left but to obey, although they believed they were going to certain death.

Just before the works were charged, the commander proposed that if any of the prisoners would go out and dissuade the rebels from the charge, their lives should be spared. In the midst of a literal storm of balls, Wm. G. Burr, the one selected by the commander, passed out into the ranks of the foe, and by his representations induced General Poindexter to recall the storming parties, and cease the conflict. The prize to be gained was the post, and large quantities of military stores; and just as that prize was within his grasp, he gave up all, rather than sacrifice the six non-combatant men, whose lives would be the forfeit of his success.

The firing having ceased, the commandant sent a paper, of which the following is an exact copy, to the commander of the opposing forces:

"The secession forces agree herewith to withdraw from Booneville and vicinity, forthwith, two miles, not to renew any attack upon Union people, and forces of Booneville and vicinity. There are not more than seven men allowed to come to town at any time to procure their necessary supplies. The arms of the wounded and dead have to remain on the ground where they fell. For this consideration, the Union forces will agree to an armistice for the time of seven days, and release their hostages.

with the exception of one, Mr. Paynter, with the understanding that if these stipulations are not carried out honestly, he will have to *die* forthwith.

(Signed) Jos. A. Eppstein,
Major Commanding

"Hostages on our side have to be released.

"September 13, 1861."

"The above is a true copy of an armistice signed by Major J. A. Eppstein.

"Committee appointed by Major Eppstein,

(Signed) Edmund Gray,
George Volrath."

Two incorrect impressions rest upon the reader of this paper. No attack was made upon any citizen nor any person arrested by the opposing forces.

His fellow-prisoners were released, but Mr. Paynter was detained, and although every stipulation of the enemy was faithfully carried out, he did not obtain his liberty until after the fall of Lexington, Missouri, when he was, through the unsought but kind offices of General Price, set free. Personally, Mr. Paynter was treated, by both officers and men, with kindness, so long as Major Eppstein retained command. But during part of the time of that imprisonment, a Colonel Worthington was in command, and he was made to feel the beginning of those sorrows he subsequently endured.

On the first Sabbath morning after Colonel Worthington's arrival, Mr. Paynter was ordered into his presence, questioned closely as to his thoughts and opinions, condemned for having so great an influence as he possessed, denounced for not taking an active part in putting the rebellion down, and then ordered back to his private tent.

Just before leaving the presence of the Colonel, Mr. Paynter, who had no opportunity to cleanse his person during his imprisonment, and who was then in no enviable plight, begged the privilege of a room for that purpose. "My men are just as good as you, and if you will not wash yourself before

them, you shall not wash at all," was the officer's reply. "I do not deny your statement, but not being accustomed to that way of doing, I cannot accept your terms. Rather than expose my person to them, I will continue as I am. It is disgraceful to you; it is no disgrace to me." "Then you can go back and rot in filth, for all I care." He was accordingly marched back to muse upon the law of kindness as exemplified in his case.

But he was not always kept secluded. One day he was conducted into a tent, which was opened as wide as possible, and ordered to lie down. Presently solid files of soldiers were marched, in order, past the tent. Each file stopped, gazed, and railed at him. "Is that the G— d— secession preacher? D— him! How I would like to shoot him! How I would like to hang him as high as Haman!" and other similar expressions. These gave way for others, and thus was he kept a gazing-stock for about the space of two hours.

After his release, and until again arrested, Mr. Paynter discharged his duties as a minister of Christ, to the remnant of his people, who had not been scattered by the war, and to the soldiers who waited on his ministrations. During this interval, General Halleck, then in command, issued an order requesting certain classes to come forward voluntarily, and show their fealty to the Government, by taking the simple civil oath of allegiance, and thus exert their influence in assisting to restore quiet to the State. The following certificate will show Mr. Paynter's position in the premises:

"PROVOST MARSHAL'S OFFICE,
Booneville, Missouri, March 5, 1862.

"This is to certify that, H. M. Paynter, of Booneville, Cooper County, Missouri, has this day filed his oath of allegiance to the Government of the United States, at this office.

(Signed) JOSEPH A. EPPSTEIN,
Provost Marshal."

The Marshal, while handing this paper, remarked, "I am glad you have done this. The whole power of the Federal Government is solemnly pledged for your protection. You

need not henceforth fear any molestation from our soldiers, and all my power shall be used to protect you from any harm." He replied, "All the protection I ask is to be allowed to labor quietly in my calling."

Shortly after this time, the arrest of citizens was an almost daily occurrence. The most frivolous pretences were given as reasons. One covered the whole ground — "military necessity." Some were released soon after arrest. Others were kept for months, and at hard work. Some returned to their homes with diseases contracted in prison, from which they never recovered. Others never returned home alive.

During those days, Mr. Paynter learned the value of the assurance that had been given him. He was made to feel the severities which he had witnessed — and in silence mourned over — as wrongs in themselves, and injuries to the cause of the Union.

One Sabbath morning he was in his pulpit, preparing to begin public worship, when one of his elders stepped up to him and said: "The Federals are after you again." Recalling one very sad scene in which the preacher had been dragged from his pulpit, while engaged in public prayer, and determined to avoid a similar scene in his church, he left the pulpit, and surrendered himself at the door.

The Provost Marshal, when he was taken before him, remarked: "I arrest you to take the oath." "The oath you offer you have no right to require, and no man ought to take. I cannot take it. The civil oath of allegiance I have already taken." The officer, confounded at this rebuke, apologized, and let him go.

The following Sabbath he was again arrested, and, without seeing any officer, was cast into prison. He was afterward ordered into the presence of the Provost Marshal, Captain Haverly, who arose to his feet in a towering passion, and began a most vehement tirade of abuse. "You are a traitor and a perjured villain. I am an infidel, but if I was as notoriously bad as you are, I would not preach." Thus he began, and thus continued in a similar strain, for perhaps five minutes.

The prisoner saw through his motive, which was to arouse passion and excite to rash speaking, and kept silent. When he had finished, he said, "What say you to this?"

PRISONER. "You are not my church superior. My Presbytery decides upon my ministerial qualifications. To whatever you may say, as a military officer, I will listen; because I am under your military authority."

PROVOST MARSHAL. "I arrest you, to give bonds for $7,500."

PRISONER. "That bond I cannot give. It is an outrage upon humanity. Have I disturbed the peace? Have I molested any man's person or property? Have I lifted an arm or voice against the Government, or given aid or comfort to the enemy? My manner of life is well known to all the people here, and they can testify concerning the same. You may imprison or hang me, as you threaten, for I am in your power; but I will never give you that bond. I cannot violate my conscience. I may lose my life; but I cannot consent to lose my manhood. If I fall, my hope is in Jesus, my King. Him I fear. His word I respect. His laws I love. And I fear not the face of man. I cannot give you that bond."

The Provost Marshal, enraged at this recital, exclaimed: "Listen!" Then arising from his seat, and pacing the room, angrily, he opened a drawer and drew forth a paper, which he read, and which was, as nearly as Mr. Paynter can recall, as follows:

CHARGE OF TREASON.

(A copy was refused the prisoner; but being read three times in his hearing, the words were deeply impressed upon his memory.)

"THE UNITED STATES
vs.
REV. H. M. PAYNTER. } Charge—Treason.

"*Specification* 1*st*. That the said H. M. Paynter was heard to say, that he believed the Southern Confederacy would be successful, and he hoped it would be.

"*Specification 2d.* That the said H. M. Paynter was heard to read a newspaper, with evident satisfaction, to a crowd of secesh.

"In addition to these there are," he said, "grave charges against you of smiling on hearing the news of rebel victories; of reading the passages of Scripture to your people which incite to rebellion; and generally, of not giving active co-operation and sympathy to the Union cause. The weight of your influence in this community is for neutrality; not so much by what you say, as by what you do not say; and this cannot be allowed. You deserve to be hung; and you shall be tried to-morrow morning for the capital charge, and if you get off with any less punishment than death, you will not get your deserts."

PRISONER. "Admitting the allegations all to be true, no honest jury, under heaven, would convict a man upon such charges as those. But not one of them is true. I have never said that I hoped the Southern Confederacy would be successful. I never have hoped it. The blood of the Revolution flows in my veins. I never want to see this country rent in twain. To-day would I gladly give my life to save my country. I have firmly held, and uniformly stated, that secession was political death. I do not want to see the Southern Confederacy successful. As to the second allegation, you know that no papers are allowed us, except such as military authority permits. I have never read a forbidden paper, and any treason I may have read has been such as the military authorities allowed. Except my religious paper, the only ones I have seen at all are the 'Democrat' and 'Republican,' of St. Louis.

"The first and second general charges are totally untrue. As to the third, I have not taken an active part, and I will not. I am a minister of Christ. I have stuck closely to my calling, and I mean to abide therein. Part of my people sympathize one way, part the other. I am pastor of both, and believe I have the respect and confidence of all. As I have done, so will I continue, preaching to all who will come,

and visiting and laboring, without any regard to the private opinions of those with whom I live, and for whom I toil."

Then the prisoner asked, "Am I to be tried by a civil court?" "No," was the response, "*and you ought to be glad. The most impartial and lenient court is a military commission.*" Mr. Paynter then said: "All I ask is an impartial trial Let me confront the witnesses. Let justice be done me. If I be an offender, or have done anything worthy of death, let me die." "You shall have your trial to-morrow morning," retorted the officer, and the guard marched him back to prison. That trial he never had. Any investigation of his case that may have taken place was kept totally concealed from him. He was imprisoned, and ultimately banished, without any other interview with those in command, except once, to hear his order of banishment read to him.

Before leaving the Marshal's office, he obtained permission to have daily worship with his fellow-prisoners. On the Sunday following, that permission was recalled, and never after renewed. As the prisoners were coming from breakfast one morning, one of them remarked to Mr. Paynter: "We are not to have any more prayers." "Why not?" said he. "Such are the orders, as I have just now been told by our guard," pointing to the corporal on duty.

"I have received no such orders."

"No, nor will you. This is the way the praying is to be stopped. The soldiers are to surround the prison, and sing vulgar songs until it is time for us to lie down."

Strange as this statement may sound, it was verified. Night after night the prisoners were sickened by the vulgar and licentious songs, which completely destroyed all opportunity for worship.

The prison was a frame building — nothing but boards on the sides, and the roof above. The windows had bars, but no glass. There were no seats but boards. Hay constituted the beds. The place was filthy and forbidding. The daily fare was hardtack, flitch, and coffee.

Mr. Paynter says: "How entering a prison, as an inmate,

chills one's frame! How drearily time passes by! How the bird that twitters is envied his freedom! Yea, the very worm that crawls where it will. And as the time of rest approaches, what longing for the friends and comforts of home!"

We also copy, *verbatim*, portions of his journal, as follows: "During the morning, I became acquainted with quite a number of the prisoners. I found them, like myself, citizens, arrested many of them on frivolous pretences. One of them had been many months here for the offence of giving a suit of clothes to a son of his who was a rebel. Another, a lad of about fifteen summers, is accused of being a spy, because he had looked through the fence at the encampment. He is the son of a plain farmer near town, who had never seen a body of soldiers.

"Numbers are here because they will not take the military oath. All are despondent; some are melancholy. The listless apathy of prison life, united with daily hard work, tells upon the stoutest constitution. The conspicuous ball and chain are a gentle reminder of the way in which refractory spirits are dealt with. From the prisoners, I have received very painful recitals of cruelty, which make my heart feel for them more than for myself. I have spoken to as many of them as I can of the precious One 'who hears the sighing of the prisoner,' and pray for grace to be a blessing and comfort to them during my sojourn here, which may be longer than I now suppose. In the evening, held worship with my fellow-prisoners; and, having commended my family to His care who heareth the young ravens which cry, I lay down upon my pallet of hay."

His diary thus continues: "In the morning, the golden hopes of yesterday — 'that I would receive a trial' — vanished like a dream. Instead of being brought to a trial, I was ordered out to work. My first day's labor, from 7 A.M. to 6 P.M., was carrying rods to strengthen the fortifications. The rods were placed on boards, and the prisoners compelled to carry the load by putting their hands under the boards, causing great suffering by the whole weight being on the

fingers. We had daily experience of this, and other kinds of toil required. We cleaned out the cavalry stables, chopped wood, threw up fortifications, cleaned up the ground, and were engaged in such other menial employments as the officers required. One day, while we were working together, a fellow-prisoner, Judge Scott, remarked: 'Do you know that they require the prisoners to clean out the privies of the officers? They ordered me, yesterday, to do it, but I told them I would do no such thing—I would rather be shot.'

"The day following, six of us were ordered out together, and taken to the Post Commander's quarters. Two were ordered to scrub out the kitchen; another, with myself, was put to chopping wood. The soldiers told me to cut the wood a particular length. This I did, piling it up in regular order. About noon, a negro woman, superbly dressed, came out, and thanked me for having cut it of such uniform length. Another prisoner, a respectable gentleman, was put to cleaning out the privy. The first cleansing not proving satisfactory, he was ordered to clean the place again. And I shall never forget the deep-drawn sigh he heaved upon his return to prison, as, with a most woebegone expression of countenance, he exclaimed: 'Well, these are tight papers.' His fellow-prisoners laughed heartily, and replied: 'Yes; these *are* tight papers.'

"As a general thing, the soldiers were as kind as allowed to be. The officers we seldom saw, except at a distance, or when coming around to inspect our work. One lay, worn out with labor, and sick, so that I could scarcely lift up the spade, (we were throwing up fortifications,) a guard remarked: 'Put down your spade, and rest; they have no right to make you work as they *do*.' Scarcely was I seated, until, with a bayonet thrust and an oath, he ordered me up. He saw an officer coming, and knew that he would be kept in the guard-house, if detected in such an act of mercy to a prisoner.

"One day, my appetite for dinner was completely taken away by the statement to me of the guard, that the soldiers

had killed Dr. Main. He was a Scotchman, an estimable man, and a member of my church. He had been taken from his home, under the plea of showing them the way; his head was broken in, then his body hung up, then cast into the river. None of those who committed the deed were ever under arrest.

"One day, I was taken before the commander for some reason; and, while there, heard the following conversation between the Post Commander and a plain farmer who looked about sixty years old.

"'How shall I enroll you?'

"'As a Union man.'

"'What kind of a Union man are you?'

"'I am for the Union as it was, and for the Constitution as it is.'

"'D—n such an answer; such men are the d—dest rebels. I enroll you as disloyal.'

"'I cannot help it; such are my sentiments. I am a plain farmer, and a peaceable man. I love my whole country, and do not want to see it destroyed.'

"'All you can say does not affect me. I regard you as a rebel, and shall enroll you as such.'

"One day, while taking our midday rest, a soldier thrust a lad about sixteen years old into the room, saying, 'D—n you, spy, you will soon be hung.' The poor fellow was terribly frightened. In a few days, by testimony of the strongest kind, it was shown that he never had been twenty miles from home, and knew little about anything; that he was an errand-boy, and was on an errand when arrested. But all was of no avail. His daily labor was worth more than his daily bread, and he was still in prison when I left.

"The charge against one of the prisoners was treason, in that he had witnessed the engagement referred to in these pages. To look on and not help, was treason; all his property was taken, and he only released upon giving bond for good behavior. The story of another prisoner is a sad one. After many weary weeks of hard work, he was ordered before the

Provost Marshal, the first time he had been before any officer, when the following dialogue, as reported by himself, occurred:

"'Where are you from?'

"'I was born in Rhode Island.'

"'Have you taken any part in the war?'

"'I have not. I have not been two miles from home since the war began. My first care is my motherless children.'

"'Are you a Union man?'

"'I always have been a Union man until you arrested me. Your treatment has made me in favor of two Confederacies. Why should I be torn from my home and children, and kept here at hard work? Your treatment has made me a rebel.'

"This was enough: he was ordered back to prison and to hard work; and from that time was known as the 'two Confederacies man.'

"One Saturday, I met a Mr. Reed, a highly respectable man walking about the prison. Supposing he was seeking some one, I inquired, 'Mr. Reed, what has brought you here?'

"'I am a prisoner.'

"'A prisoner! What have you done?'

"'Nothing. This morning, a squad of soldiers came to my house, and read an order, requiring me to give up all my corn and hay, and to furnish teams to take them to headquarters. When the wagons were loaded, I was ordered to furnish drivers: this I would not do, and they have brought me here.'

"This gentleman, aged about eighty years, was not released until he had given bonds for $3,000 for good behavior in the future.

"But why dwell upon the sickening scenes of prison life? The memory of those days makes me shudder. The unwritten story of wrong and suffering is more painful than the written one. Hard work, hard fare, hard beds, every movement directed by the bayonet; no religious privileges allowed, except private prayer; exposed to a violent death — these were the privations and wrongs of those dreary days. No trial

guaranteed, no prospect of relief; nothing sustained me but an unfaltering trust in Him, 'who doeth all things well.' The end came in a manner to me the most unexpected. Taken one day into the presence of the Marshal, who, instead of mitigating, had studied to increase the rigors of my imprisonment, I was informed that I was to have no trial, that my case had been decided, and that a paper, which I was told to read, would tell me my fate.

"This paper, a copy of which I begged, but was denied, was an order of banishment to the northern part of Aroostook County, in Maine, to that part which lies beyond the boundary of civilized life.

"I had borne up firmly during my imprisonment. Conscious of entire integrity, the only request I had ever made was permission to cleanse my person. But this blow unmanned me, on account of my family. I did not know how I was to support them there; nor did I believe they would survive the rigors of a single winter. I pleaded for them, but in vain. The unfeeling man replied, 'I do not care a d—n for your family; you shall go.' Subsequently that order was revoked, and the following issued:

"'HEADQUARTERS MISSOURI STATE MILITIA,
Booneville, Cooper County, Missouri, August 25, 1862

SPECIAL ORDER, No. 7.

"'Rev. Henry M. Paynter: In obedience to Special Order No. 3, issued to me by Frank J. White, Provost Marshal General, Central Division of Missouri; and by order of Brigadier General Totten, commanding the Central District of the above said State. You are hereby ordered to leave the State of Missouri by the first day of September, 1862, to take up your residence in the State of Massachusetts, there to remain during the present war between the rebels and the Government of the United States You are further ordered not to re-enter the State of Missouri during said war, under penalty of being shot to death.

(Signed) T. T. CRITTENDEN,
Commanding Post, Lt. Col. 7th Reg't of Cavalry, M. S. Vols.

Copy of SPECIAL ORDER No. 3.

"'OFFICE OF THE PROVOST MARSHAL GENERAL,
CENTRAL DIVISION OF MISSOURI,
Jefferson City, August 20, 1862.

"'Rev. Henry M. Paynter, clergyman, a sympathizer with the traitors now in rebellion against the United States, will be released from confinement, upon giving his parole of honor to leave the State of Missouri ten (10) days after his release, and to take up his residence in some Northern State, to be selected by Lieut.-Colonel Crittenden, 7th Cavalry, Missouri State Militia, commanding at Booneville, Missouri. The said Paynter not to re-enter the State of Missouri during the war, upon the penalty of being shot to death.

(Signed) FRANK J. WHITE,
Provost Marshal General.

"'By order of Brig. General James Totten,
Commanding Central District of Missouri.

"'Attest: T. T. CRITTENDEN, Commanding Post, Lt.-Col. 7th Reg't Cav. Mo. State Militia.

"'All Federal troops, in the execution of the above special order, are therefore commanded to pass the said Henry M. Paynter out of the State of Missouri into the State of Massachusetts, with his family, and all other articles necessary for his comfort during his absence.

(Signed) T. T. CRITTENDEN,
Lt.-Col. 7th Reg't Cav. Mo. S. M.,
Commanding Post, Booneville, Cooper Co., Missouri.'

"Finding that I must go, and that, to carry out the order, I must travel on the Sabbath-day, I requested the commander to allow me to rest on that day. He replied, 'The Government will be responsible for that; you must go.'

"I was released from prison. How strange the sensations! How singular everything appears! How difficult to accept the fact that the bayonet is not at your back, that the soldier does not bid you what to do! Days elapse before the confusion of the new order of things disappears. Personal liberty! What a blessing! only truly appreciated by those who have experienced the horrors of prison life. With a

sad heart I left the home where so long we had lived, where children had cheered us by their presence, and desolated our hearts by their death; and the people whom I loved so well, for whose good so long I have labored, whom, perhaps, I may never meet again on earth, and with whom I desire to leave my sleeping dust, when our Father calls me home.

"At Tipton, I received the following pass:

"'PROVOST MARSHAL'S OFFICE,
Tipton, Missouri, August 27, 1862.

"'Pass the bearer, Rev. H. Paynter, and family, to St. Louis, his business being ordered by the Government.

(Signed) GEO. W. WASHBURNE,
Provost Marshal.'

"At St. Louis, I was handed the following pass:

"'No. 6594.

OFFICE OF THE PROVOST MARSHAL GENERAL.
ST. LOUIS DIVISION,
St. Louis, Missouri, August 28, 1862.

"'Permission is given to Rev. H. M. Paynter, aged — years, to go to Massachusetts.

(Signed) GEORGE E. LEIGHTON.
Provost Marshal General, St. Louis Division.'

"Thence onward to my place of banishment, called by a prominent Bostonian 'The Penal Colony of Massachusetts,' which, in the providence of God, I reached in safety.

"The following letter, signed by every officer in my church, three of whom were Union men, explains itself:

"'BOONEVILLE, February 16, 1863.

"'*Dear Brethren in Christ:* The undersigned, officers of the First Presbyterian Church, Booneville, Missouri, having learned that our beloved, now exiled, pastor, Rev. Henry M. Paynter, is temporarily supplying your pulpit, would state that Brother Paynter has been pastor of this church for about seven years, during a great portion of which time our church has been greatly blessed; and we take great pleasure in commending him to you as a Christian and gentleman every way worthy of your confidence

"'As to his banishment we can say nothing, as we are wholly ignorant of the charge upon which he was taken away from us. But we can say to you that, as a Christian minister and gentleman, he stands high with his church, and that we deeply feel his loss. We trust that our Heavenly Father may put it into your hearts to extend to him that aid and assistance that his condition, at this time, requires. He has the sympathies and prayers of his entire church

(Signed) WILLIAM S. MYERS, MARCUS WILLIAMS, } Ruling Elders.
G. S. MOORE,
WM. M. JOHNSON, JAMES HOOD, } Deacons.'"

Rev. Mr. Paynter is now located at Hopkinsville, Kentucky, and is not only successful in his ministerial labors, but is also highly esteemed by all who know him.

We have given a plain narrative of the sufferings endured by a minister of the Gospel, whose fealty to the Government was beyond doubt, and whose only offence consisted in his persistent refusal to take an active part in the struggle, and prostitute his pulpit to partisan purposes.

Mr. Paynter says: "I will ever remember the words and acts of kindness of the soldiers, who did all they dared to alleviate my suffering. I freely and fully forgive all the annoyances and indignities I was made to suffer by the officers, seemingly with *delight*. And I am glad to cherish no other feelings toward them; for one, at least, has since been summoned before that Judge, who will impartially decide whether or no what I endured was justly inflicted upon me."

His persecutions will remain a stain on the escutcheon of the nation, which time cannot efface.

Imprisonment and suffering have not changed his judgment or feelings as to the value of our Union, nor lessened his love for those blessings bequeathed to us by our sires.

D. C. WATTLES.

TO show the world the frail tenure by which the American people held their liberties under the despotism established by Mr. Lincoln, and which hung like a funeral pall over the country, we need only cite the following example. Comment is unnecessary.

D. C. Wattles, of North Branch, Michigan, was arrested on the 23d of November, 1862, under the following circumstances. The family of this gentleman, a short time previously, had been straining blackberries. His children, in their amusement, raised upon a pole the rag that had been stained by the juice in the process of straining

One of the horde of infamous informers who infested the length and breadth of the land, advised the War Department that Mr. Wattles had raised a *secesh* flag. He was immediately seized by an inquisitorial Provost Marshal, and transported more than a thousand miles from his friends, home, and State, and immured in Fort Lafayette. No charges were ever preferred against him, nor was he told the name of the secret enemy who had lodged complaint against him. At the expiration of *five months*, when the Washington authorities were convinced that he had fully expiated his *crime*, he was discharged upon "*taking the oath.*"

COLONEL SAMUEL NORTH, MAJOR LEVI COHN, AND LIEUTENANT MORVEN M. JONES.

THE trial of Samuel North, Levi Cohn, and Morven M. Jones, before an United States Military Commission, commenced at Washington, D. C., November 3, 1864, and ending January 7, 1865, was one of the most interesting and important ever held in the United States, involving numerous and highly important legal and constitutional questions, including those affecting the powers of the Government and the rights and privileges of American citizens.

The commission was instituted on the 27th of January, 1864, more than nine months before the accused were arrested, to try whoever might be brought before it. General Abner Doubleday was President. The trial did not end until the 7th of January, 1865. North was retained in prison nineteen, and Jones and Cohn thirty-two days, after the trial closed.

New York had promptly responded to the President's first call for 75,000 men, and cheerfully met those which followed. The inexperience of the officers was felt in the care and management of the sick and wounded. With the hearty approval of Governor Seymour, the Legislature of New York passed a bill on the 24th of April, 1863, authorizing the Governor to appoint suitable agents to provide additional relief for the sick, wounded, furloughed, and discharged soldiers, and to facilitate the removal of the bodies of deceased soldiers, and to perform such other duties as he might direct. He was also authorized to employ surgeons and other agents to look after the sick and wounded. To meet these expenses, $200,000 were appropriated.

The Governor appointed Colonel Samuel North, a distin-

guished citizen of Otsego County, who had been a magistrate of his town, clerk of his county, and for seven years an agent of the Post-office Department, and then a merchant, agent for the State at the City of Washington. The manner in which he discharged his duties was satisfactory to all who did business with him.

At his request, the Governor determined to send a State paymaster to pay all back bounties, and whatever might be due to soldiers from the State. The Paymaster General of the State recommended Major Levi Cohn, then in his own office, for this employment, and he was selected by the Governor, and repaired to Washington to perform his duties. He stood high in Albany as a book-keeper and merchant's cashier, and an accurate and trusted business-man.

Nurses were needed at the hospitals. Morven M. Jones had assisted in raising a company of volunteers at Utica, and was commissioned a Lieutenant and entered the Army of the Potomac. He was in the second battle of Bull Run, and was taken prisoner. He was compelled to march four days without food, and was subsequently thrown into Libby Prison, where he remained until paroled. He was subsequently exchanged. Being advanced in years, his health became too much impaired to permit him to continue in the service, and he resigned. The General State Agent, knowing him and his wife personally, requested them by telegraph to proceed to Washington to engage in hospital duties. On the second day after its receipt, their house was closed, and they on their way to duty. They, like Major Cohn, reported to Colonel North, and then entered upon their arduous duties. The manner in which Governor Seymour executed this law has never been the subject of complaint by any one.

On the 21st of April, 1864, the Legislature passed another law, authorizing volunteer soldiers in the national service to vote, and prescribing the mode of doing so. This law was so framed that, if not executed in an open and public manner, innumerable frauds might be committed under it. Governor Seymour proposed to the leading officials of the Repub-

lican party, so to arrange as to have all the voting in an open and public manner, under the superintendence of a representative of each political party. This reasonable proposition was neither accepted, nor even answered.

The law required the votes to be authenticated by a New York commissioned officer. These being mostly Republicans, exercised a controlling influence over the soldiers, and especially so when they were taken in secret.

Neither Colonel North, Major Cohn, nor Lieutenant Jones was charged by Governor Seymour with any duties under this act. If soldiers called, wishing to vote, they were aided by some one person present, but never by Colonel North or Major Cohn, and only on one or two occasions by Lieutenant Jones. But it was assumed by Republicans, Colonel North's office was the headquarters of Democratic voting, and that great frauds and numerous forgeries were committed there. It was thought that the arrest and conviction of Governor Seymour's agent before election, on charges of fraud and forgery, would secure the success of the Republican ticket.

Without an affidavit, or any evidence that a crime had been committed, Mr. Dana, Assistant Secretary of War, issued an order for the arrest of "Colonel North, James M. Murphy, Cohn, and Jones," and he directed the seizure of all the papers of the agency, and all their private papers at their lodgings. To screen himself from personal responsibility, he stated in it, that it was issued by order of the President. Under it, Colonel North, Major Cohn, and Lieutenant Jones were arrested on the 27th of October, 1864, and thrown into the Old Capitol Prison, without being informed of the accusations made against them. When Governor Seymour received information of this outrage upon citizens of New York, employed by him and acting for the State, he appointed Amasa J. Parker, William F. Allen, and William Kelly, three distinguished and well-known citizens, to proceed to Washington and investigate the matter, and employ, in behalf of the State, counsel to defend the accused. They

faithfully performed these duties and reported to the Governor.

The following is an extract from the report of these commissioners:

"They found them in the 'Carrol Prison' (a part of the Old Capitol Prison) in close confinement. They learned that Messrs. North and Cohn had been confined together in one room, and had not been permitted to leave it for the four days they had been prisoners for the purpose of answering the calls of nature. They had been supplied with meagre and coarse prison rations, to be eaten in their room, where they constantly breathed the foul atmosphere arising from the standing odor. They had no vessel out of which to drink water, except the one furnished them for the purpose of urination. They had but one chair, and had to sleep three of the nights of their confinement on a sack of straw upon the floor. They had not been permitted to see a newspaper, and were ignorant of the cause of their arrest. All communications between them and the outer world had been denied them."

The visit of these commissioners improved their condition for a time, and they were permitted to purchase better fare, and were placed in a room with a dozen other persons. But they were subsequently separated, kept in solitude, and reduced to the hardest of prison fare, compelling them to subsist upon "hardtack," which they could not eat; sometimes, only three crackers a day for each, with sour apple-sauce and black coffee.

They were required to obey prison rules which were not posted up, or otherwise accessible. They offered the Superintendent five dollars for a copy, which he refused. They were required to obey laws of which they had no knowledge.

The object of this severe and brutal treatment was to break down the independence of the accused, and induce them to become informers upon one another, and upon Governor Seymour and others in New York, in order to secure themselves a release, or, at least, better treatment. After trying it a

second time, the effort to accomplish the object in this manner was abandoned, and they were allowed to supply themselves with better food and some needful conveniences. But they were never permitted to see any person, except in the presence of some official of the prison. In a written communication from the War Department, Mrs. Jones was expressly refused permission to see her husband, and the Judge Advocate roughly told her she had better go home, as her husband would be convicted and sent to the State Prison, if not sentenced to anything worse. All correspondence, except through the prison officials, was forbidden, and for a long time they were not permitted to read newspapers. At one period, after the trial began, Cohn was not permitted, for a whole week, to see his counsel, although it was important that they should consult together.

The accused were arraigned and charged "with conduct prejudicial to the military service of the United States, and in fraud of the election rights and duties of the soldiers and officers of said service."

The specification set up that they were the ostensible agents of the State of New York, to aid in the execution of the law authorizing soldiers to vote, and had fraudulently signed, or caused to be signed, blanks under said law purporting to have been signed by soldiers, and witnessed and sworn to in the presence of, and by an officer, and intended to be used at the election in fraud of the soldiers' rights.

The counsel for the accused pleaded to the jurisdiction of the commission:

1st. The commission had no jurisdiction over the parties.

2d. Not over the subject-matter.

3d. The subject is not within the powers of the National Government.

4th. The National Government has never legislated on the subject.

5th. There is no law of the National Government authorizing the institution of a military tribunal to try a person, not in the military service, for any offence, he not being a spy.

In support of this plea, the counsel cited numerous authorities, including the Constitution of the United States, defining the powers of the Judiciary, and prohibiting the exercise of criminal power, except through presentments by grand jurors, and limiting military powers to persons in the military service.

It was contended that the acts charged were not declared, by any law, to be an offence, and Congress had not attempted to confer jurisdiction. No national tribunal could enforce the penal laws of a State. It had been settled by the Supreme Court that no common-law offences existed under the Federal Government. The Courts of the district were open. The laws had not been suspended, nor martial law been declared. If the laws of New York had been violated, that State had the will and capacity to assert her dignity and defend her sovereignty. A conviction by the commission could not be pleaded in bar, if the accused should be prosecuted in her courts. This tribunal could not deprive her of her rights to vindicate her dignity and execute her laws. If the commission has not jurisdiction, its members will be personally answerable for their acts. An English soldier had once been proceeded against and sentenced to be punished by an unauthorized commission like this. He died while undergoing the punishment it had ordered. Years afterward the officer ordering it was indicted for murder, convicted, and actually hung. Shall we be less firm in defence of the rights and lives of our citizens than mother England?

The Judge Advocate answered by saying, among other things, "In time of war, a great many provisions of the Constitution, which were intended for time of peace, are, *pro tanto*, suspended. The Constitution, or rather the mass of its details, is intended for time of peace; but, in time of war, the general war powers therein delegated to Congress and to the President, take the place of the general provisions in time of peace."

He did not inform the commission who had the power to suspend these provisions, or how the people were to learn

which were suspended, and when that occurred, nor how they were to know when they were restored. The fallacy and absurdity of this argument were most fully exposed. But the commission concurred in these monstrous doctrines, and overruled the plea to their jurisdiction. The Supreme Court of the United States has since decided that they had no jurisdiction.

When the decision overruling the plea was announced, the Judge Advocate demanded final judgment against the accused upon the absurd ground that the plea to the jurisdiction admits the truth of the charge and specifications. Upon this motion, a long argument ensued. The proposition was so monstrous, and the reasoning against it too strong to be overcome by the sophistry of the prosecutor, the motion was overruled, and the accused permitted to plead, whereupon they entered a plea of not guilty.

After issue joined, the accused demanded separate trials. This was resisted upon the ground that it would enable one of them to testify in favor of the others, and thus avoid a conviction. Although clearly entitled to the privilege of separate trials, the commission refused to permit it.

The counsel for the accused then moved that the Judge Advocate be required, before proceeding to trial, to elect which he would try as principals, and which as accomplices, both offences being averred in the specification, without any means whereby they could determine for which offence they were to be tried. This motion was resisted on the ground that, if he were now required to make election, it would diminish the chances of conviction. The commission refused the motion.

The counsel for the accused thereupon demanded process to compel the attendance of witnesses in their behalf. This brought on a long discussion. The Judge Advocate resisted their right to require the attendance of more than two witnesses each to establish their good character. The accused demanded several. The commission, without assigning any reasons therefor, determined to reserve its decision until a

later period, and thereupon allowed the Judge Advocate to call witnesses, and proceed with the trial.

Without deciding whether the accused should be allowed process for any witnesses, the commission arbitrarily and most wrongfully allowed the trial to commence and progress A greater outrage was never perpetrated by a tribunal claiming to administer law and justice than the refusal of the means to procure the attendance of the witnesses of the accused, as provided in the Constitution, and, at the same time, permitting the prosecution to proceed in the trial.

James O. Clephane was then called as a witness by the Judge Advocate, and testified that he went some two days before, with the Judge Advocate, who was dressed in citizen's clothes, to the Carrol Prison, and had Jones, one of the accused, brought before him—that he made a confession, to which he made oath, being the same published in the "Evening Star" the day the trial commenced. This paper contained statements which, if unexplained, were injurious to Jones, but on which no conviction could be sustained. On cross-examination it appeared that Clephane went to the prison as a stenographer and took notes—that Jones's attention was not called to this fact, nor was what he took down read over or stated in substance to him. Without attempting to make a statement, or to give a narrative of events, he had simply answered the questions proposed to him by the Judge Advocate. On being asked if he would be willing to swear to what he had stated, said he would. Clephane wrote out a statement, and headed it thus: "Morven Jones, being duly sworn by John A. Foster, deposeth as follows." This statement was proved by Clephane to be false. The counsel for the accused required him to produce his notes, and when he did so, and translated them into English, the concluding words were:

Q. "Are you willing to be sworn to this statement?"

A. "I am."

This proves that Jones did not in fact swear to the statement, although willing to swear to what he did say. Cle-

phane and the Judge Advocate are responsible for getting up and publishing this fraudulent paper. On comparing this pretended affidavit with Clephane's notes, they were found unlike in many essential particulars, and that Clephane had left out of the assumed confession what Jones had stated favorable to the accused, and which proved beyond a doubt that no crime had been committed, or intended. The following questions and answers he had omitted, but were found in his original notes:

Q. "Do you know any case where names have been signed without the parties being present?"

A. "No, sir."

Q. "And never heard anybody say such a thing had happened at any time?"

A. "No, sir."

This covered the whole case, and proved all innocent. But the commission not only allowed this false affidavit to be received against Jones, but against North and Cohn, and refused to strike it out as evidence, when appealed to for the purpose. Such a violation of the rules of evidence as to make a statement of third persons evidence against those accused, except where a conspiracy had been charged and proved, cannot be found in the records of any trial in the civilized world, nor defended where reason and justice are respected.

Josiah Cleghorn was then called by the prosecution, and testified that he was a Lieutenant in a negro regiment, and resided in Erie County, New York, that he called at North's office on the 20th of October, 1864, and found him and Jones there, and a man signing his name Murphy, who made out voting papers for him, which he signed and took away. He was told where to go to swear to them. That he did not in fact go and swear to them. That on the 25th or 26th of the month, he again went to Colonel North's office, when all three of the accused were there. He informed the persons present that his papers had been directed to the wrong post-office, and that he desired new ones to be made out, which Jones proceeded to do, he using blanks that had been pre-

viously signed by an officer. The old papers were twisted up and thrown under the table, and new ones made out. which he signed and took away, the envelope containing a Democratic vote. All was done as he wished, except he did not like the Democratic vote. On his cross-examination he swore that he "surrendered" this package to Mr. Clarence Seward, son of the Secretary, and that when he got the papers prepared it was not his intention to send them away. From his own statement it is inferrible that he was twice sent to Colonel North's office to obtain something out of which an accusation could be framed to cause arrests. Palmer, whose suspicions had been awakened concerning the State Agency, swore that early in October his suspicions had been aroused, and he had communicated them to Assistant Secretary Seward, at the State Department. He and his brother Clarence doubtless were acting in concert, and prompted Dana to action. According to Cleghorn's statement, Jones neither perpetrated fraud nor forgery, but served him at his request. Cleghorn was guilty of both fraud and falsehood. He went to the office with a lie in his mouth, and while there actually told several. On going a second time he did the same thing. Jones obligingly served him without fee or reward. What was prepared for him he did not intend to use, but placed in hands which caused the arrest of the accused. This whole proceeding was planned and executed by Government officials enjoying the confidence of the Administration. They attempted to induce the commission of crime, that they might cause men to be punished. In this they were criminal. But they failed. This pretended crime was no offence. It was unmerited kindness bestowed upon a black-hearted conspirator, who was willing to ruin individuals for political effect.

The counsel for the accused renewed his motion for process to obtain their witnesses. After sundry objections as to the number, the prosecution having so utterly failed in its proof, the Judge Advocate consented, and the commission ordered subpœnas for such witnesses as were required. As the trial could not be completed before election, and there being no

probability of any testimony damaging to the accused being obtained, the prosecution consented to adjourn the further hearing of the case until the 14th of November.

On the reassembling of the commission, the Judge Advocate introduced and swore one *Craig*, who testified that Colonel North, early in October, made out voting papers for him. This was shown to be utterly false, as the papers, when produced, were conclusively proved not to be in his handwriting, but in that of one Mott, who was not employed at the New York State Agency.

One Palmer also swore that Jones, in the presence of Colonel North, tried to induce him to sign a lot of blanks, which he refused, and of which he gave immediate notice at the State Department to Assistant Secretary Seward. This story was improbable and undoubtedly false, as Colonel North had been, for several days previously and subsequent to the time he named, absent from Washington in the State of New York, and that no proceedings preparatory to voting at his office took place until after his return, and that then neither of the accused became the actors.

No other material evidence was offered by the prosecution concerning the crimes charged upon the accused. But the commission indulged the Judge Advocate, contrary to all just rules of law, in an endeavor to prove that somebody had committed some other crime, not charged in the specifications. This seemed to be an effort to find evidence to excuse the arrest, imprisonment, and trial. It was a failure. No such crime was proved, even if full credence had been given to all the idle tales invented by witnesses to secure a trip to Washington at the expense of the Government.

Various letters and papers found in the New York Agency, not in the handwriting of either the accused, nor shown to have been in their possession, were offered in evidence. Their introduction, without evidence connecting them with the accused, was objected to. But the objection was overruled and they were admitted in evidence, but proved nothing material. Here the opening evidence for the prosecution was closed.

The prosecution having rested their case, and there being no evidence against Colonel North, nor pretence of any against Major Cohn, a motion was made to discharge them. This was resisted by the Judge Advocate on the ground, if discharged, they might be called as witnesses for the defence, and the conviction wholly defeated. This reasonable and proper motion was overruled.

The accused introduced a large number of witnesses to prove their high character, and among them Judge Nelson, of the United States Supreme Court, Governor Fenton, the Republican member of Congress from Colonel North's district, Judge Garvin, of New York, and several distinguished citizens of Albany, Utica, and Washington. They continued this sort of evidence until the commission announced that further evidence on that point was unnecessary.

They then proved that the State Agency was a public place, where a large number of persons were employed, and others continually coming and going. That Colonel Bradley, North's predecessor and a Republican, occupied a place where he could see and hear whatever occurred. The prosecution did not call him. It was contended, under such circumstances, it was not probable that frauds and forgeries had been there attempted.

The accused offered as a witness, Charles M. Schofield. The Judge Advocate objected to his being sworn, on the ground that he had inserted in the accusation the name of "Schofield," without any given name, or other description, as a defendant. He had been a daily attendant upon the trial, and had not been arrested. He had been employed at the Agency, and could testify to nearly everything that had occurred there. After full discussion, the commission decided that no one could be sworn whose family name had been inserted in the accusation, whether arrested, or put upon trial or not. They thus, in legal effect, declared that the Judge Advocate had the power to deprive the accused of all their witnesses by inserting family names in the charges. Under this decision, it is the Judge Advocate, and not the law, that

deprives accused persons of evidence to defend themselves. He may insert the name of every man whom he suspects of knowing facts in favor of the accused, and thus prevent his being sworn. This decision excluded another person who had also been present and had seen and heard all that occurred in Colonel North's office.

After the trial had progressed several weeks, Major Cohn was separated from his companions, and his counsel, Hon. R. H. Gillet, refused permission to see him upon his general pass A new and special one from the Judge Advocate, or Secretary of War, was required. The former refused to give one, and informed the counsel that Cohn had employed other counsel, whose name he would not give, and did not wish to see him. As he left the prison, Major Cohn beckoned to him from a window to come up and see him. For a whole week the counsel daily pressed the Judge Advocate to permit them to see Major Cohn and learn from him his wishes. But he refused. On one morning the counsel saw the Judge Advocate and his stenographer going toward the President's, and renewed his application, but was abruptly refused. At that very moment the Superintendent of the prison had Major Cohn in a carriage, not over thirty feet distant, taking him to the President's, where the Judge Advocate and stenographer joined them. Major Cohn had been coaxed and threatened, and often told by prison officials while shut up alone, that he could be set free by coming out with a full statement of the whole matter. He consented to make such a statement, but only to the President. When the counsel saw the Judge Advocate and stenographer, Major Cohn was on his way to make the promised statement.

Before making it, he asked the President if he was to be released on making it, and was assured by him that he should be discharged and not tried. He thereupon made a full statement of all he knew of the matter, and among other things stated that he had never committed forgery or fraud upon any soldier. The Judge Advocate asked him numerous questions, and pressed him hard to admit that he had forged the

name of one Smith, but not having done anything of the kind, he refused to do so. He told the President that Colonel North had not attended to the filling out of blanks, or voting at all, and that he (Cohn) had never seen a vote taken where the soldier did not sign the papers himself—that he saw Colonel North, the evening before the arrest, burn the blanks that Captain Otternott had signed to take and use at Camp Distribution, and which he had left behind when he went, by mistake. When Major Cohn was leaving the office, the President told him he would be discharged, and only be required to remain on parole until after the trial. The President remarked that he saw no criminality in anything stated by Cohn.

On going down stairs from the President's office, the Judge Advocate told Major Cohn, if he were discharged, he should state that it was through the influence of his (the Judge Advocate's) uncle, Henry Smith, a lawyer of Albany, who had been permitted to have free access to Major Cohn in prison, after he was separated from his companions, while his regular counsel had been excluded. Why Mr. Smith came from Albany to Washington, and why he was allowed to see Major Cohn when he chose, to the exclusion of his own counsel, and why Major Cohn was separated from his companions, why the counsel who had served him through the most important portions of the trial was excluded, and why he was privately taken to the President's office with the Judge Advocate and a stenographer whose reputation had been so seriously damaged by his own oath, to make a statement, and promised a discharge from trial, can only be answered by drawing the conclusion which such facts naturally suggest. They fully authorize the belief that Major Cohn was separated from his companions and denied the right to see his counsel to break down his spirit—that Smith was introduced to advise and persuade him to make such a statement as would cause his discharge, and if obtained he would expect heavy compensation from Major Cohn's rich relatives—that an accusatory confession would save those engaged in the arrest and trial

from the odium already arising from an unlawful arrest and brutal imprisonment, and would let them down easy. In their eyes, Major Cohn committed a new offence by not accusing any one of crime. His integrity had resisted all the temptations held out to him. By way of punishment, he was remanded to prison, roughly treated, and tried. He was acquitted without any of the agency of this Albany counsel, who so mysteriously came into and went out of the case. In this strange proceeding, neither the arrest, the crushing imprisonment, nor the trial found any justification. The forfeiture of the President's pledge covered him and those engaged in the matter with imperishable infamy.

At the next meeting of the commission, this pledge of the President was formally brought before it by special plea, accompanied with a demand, if its truth should be questioned, of a subpœna requiring the attendance of the President. After argument, the commission announced, "The court declines to entertain the plea, or application of the accused, Levi Cohn, unless there is a written order produced, emanating from the President, or Secretary of War." This decision was a self-stultifying one, furnishing conclusive evidence that the commission had no settled convictions of duty, and dare not act upon a vitally important question without the permission of those creating it, even if such question furnished a controlling issue within their assumed jurisdiction, involving the honor of the President and the character of the country. The commission knew that the conditions of action they imposed could not be complied with. It would have been more manly to have overruled the plea and said nothing.

Soon after the commencement of the trial, which lasted over two months, the Judge Advocate opened a place in the city of New York, to which people from all parts of the country were brought at the expense of the Government, by subpœna, and where they were privately examined, and their statements taken down by a stenographer. If matter accusatory of the defendants was developed, the party was subpœnaed to attend the trial at Washington. This mode of

fishing for evidence brought a vast number to the place of inquisition. Of all these, a few were brought before the commission. Not one of those who came testified anything against either of the accused, or attempted to disprove the good character imputed to them by their own witnesses. But the skill of the Judge Advocate invented a new mode of attack, which the commission tolerated. He was allowed to attempt to prove that, notwithstanding the high moral character proved in behalf of the accused, their character was questioned in political matters, and that they would get political advantages whenever they could. But this effort entirely failed, except as to Colonel North, who, it was said, had been doubted by one man. Daniel S. Dickinson had declared that he had no confidence in him politically after having, at Baltimore, refused to vote for his nomination for the Presidency. And here this effort of drowning men to save themselves by catching at straws, ended.

The case was elaborately argued by W. A. Beach, of Troy, N. Y., and R. H. Gillet, of New Lebanon, for the defendants, and by John A. Foster, as Judge Advocate. Mr. Beach eloquently remarked:

"You see this case mingles with the great topics of governmental power which have stirred the hearts of the world since the endless struggle began between liberty and oppression. You cannot, if you would, belittle it. It is not alone the fate of these defendants you are to decide. Strange as it may seem, here — even here, before a military commission, the legal representative of the Government of the United States demands a judgment, affirming the suspension of the Constitution.

"He seeks the liberty, if not the lives, of these defendants, over the shattered fragments of liberty and law. The issue is sharply made between the Government and the citizen. The learned Judge Advocate concedes, argumentatively, that he can reach the accused only through a broken Constitution. Your Honors must approve his amazing doctrines, or you must acquit."

In his concluding remarks, Mr. Gillet, in behalf of the accused, said:

"North, Cohn, and Jones are innocent men. If you find them guilty, you will never be satisfied with your decision, nor feel proud of having sat in this case. If the law required you, as in France, to write down in your finding the testimony against each, whose evidence and what words would you select to show them, or either of them, guilty? Can you select and put on paper words that you will say prove crime? When reflecting on your decision, try the experiment — read what you collate, and reflect upon it, and consider whether all you thus bring together is not consistent with their innocence. Consider whether there is no solution but in crime. You must be certain, beyond all reasonable doubt, of their guilt, before you convict. If the proof is not clear and conclusive, an inward monitor will remind you, when you hear this case mentioned, of your own doubts, and your dissatisfaction with the result. You will not feel at ease, nor will the plaudits of a satisfied republic be yours.

"It cannot be denied that the present trial has grown out of the recent party conflict. The eyes of Europe, as well as all America, are upon the proceedings of this commission. They will be read and scrutinized, and judgment rendered upon them. All mankind will give a common decision. If that decision sustains you, you will occupy an inviting page in history. But if, on the contrary, it shall be that you acted in violation of the Constitution and without jurisdiction or authority, that there existed no law which had been violated, and that you condemned without clear and undoubted evidence of guilt, then that page will be a blot — a record of unparalleled wrong and injustice among tribunals claiming to administer justice. You will make your own record, and impress upon it the character your acts will bear. In the one case mankind will admire, and in the other condemn. Your decision will be impressed upon our country, and give it character for justice or injustice, both now and in all future time, like the decisions of Hale or Jeffreys. The Administration

which brought this tribunal into existence, sustains it in the exercise of its functions, and which approves and executes its decisions, will share in the common approval of mankind, or will stagger under the weight which will rest upon and finally crush it. Both the honor of the Administration and of the country are involved in the decision you shall make. In my judgment, honor follows acquittal. I speak plainly, because it is my duty frankly to express what I believe. The case of my clients is now with you. I ask no sympathy, but demand justice for them in the name of the Constitution and laws of my country."

The final argument before the commission was on the 7th of January, 1865, although the record, General Holt says, shows no proceedings after the 4th. The finding of the commission, as shown on the record as certified by Judge Advocate General Holt, was in these words:

FINAL DECISION.

"The commission was then cleared for deliberation, and, after due consideration, do find the accused, Samuel North, Levi Cohn, and Morven M. Jones, as follows:

"As to the defendants Samuel North and Levi Cohn:

"As to the specification — not guilty.

"As to the charge — not guilty.

"As to the defendant Morven M. Jones:

"As to the specification — guilty, except as to the words 'with the intent and for the purpose of having such blanks, so signed, used as and for the deed of the soldier whose name purported to be signed thereto, and in fraud of the true electors.'

"As to the charge — not guilty.

"And do therefore acquit said Samuel North, Levi Cohn, and Morven M. Jones.

"Signed — John A. Foster, Colonel and Judge Advocate.

"Signed — Abner Doubleday, Major-General Volunteers, President M. C.

"Official — J. Holt, Judge Advocate General."

General Holt, in a letter to Hon. J. L. V. Pruyn, states that these proceedings were not filed in his office until the 26th of January, 1865.

Where were they between the close of the argument and making the decision, and their being filed in the Judge Advocate General's office? This was a period of painful suspense to the prisoners. Public rumor said they were all convicted, then that North was pardoned. The "New York Tribune," of the 27th of January, contained the following from its Washington correspondent: "Colonel North has been released by the War Department. He was convicted by the finding of the Court which tried him. Before his trial was concluded, it was felt here that North would escape all punishment. The pressure to have his trial stopped was immense. This was nearly done, but finally desisted from. The pressure for his unconditional release has been irre sistible."

Why this reiteration of the falsehood that Colonel North had been convicted? The record had been withheld for weeks, either by the Judge Advocate, John A. Foster, or by Edwin M. Stanton, Secretary of War, as it did not reach the Bureau of Military Justice until the 26th of January, 1865, to the great injury of the accused, who had been proved not guilty. This neglect of a public duty doubtless led to the rumors that North had been convicted, and, when released, to the further falsehood, that he had been pardoned — all with the view of satisfying the public that there was good reason for the arrest and trials. The delay in filing the record was to allow the public mind to become occupied with something else, and to have these great wrongs forgotten. Colonel North was discharged on the 26th of January, 1865, under an order from the Assistant General's office, stating his acquittal, and directing his immediate release from confinement. which was not then communicated to him. He was merely told by the keeper "to pick up his traps and leave the prison d--d quick — to go where he had a mind to." It was not until a subsequent time that he was furnished with evidence

of his acquittal. It is probable that, but for deep censure emanating from Congress and leading men in all parts of the country, Colonel North would not have been released at the time he left the prison. He was well known to a large portion of the American people, who saw nothing in the published evidence to warrant conviction or detention, and hence their efforts to secure his restoration to liberty. This accounts for the doors of his prison being thrown open. He was too prominent a man to render it safe and prudent longer to continue his illegal imprisonment—to deprive him of liberty without an adequate cause. Fear, and not justice, prompted this tardy action.

But why were Major Cohn and Lieutenant Jones detained two weeks after his release? Was it to avoid showing the whole failure at once, or because they were much less known, and deemed more friendless, and might more safely be kept shut up? It is certain, that E. M. Stanton, Secretary of War, and Joseph Holt, Judge Advocate General, told Mrs. Jones and the Rev. Mr. Corey, that they had been convicted and sentenced to the State prison for life. Mr. Stanton twice told the Hon. John Ganson, M. C., from Buffalo, the same thing, and did the same to others. Mrs. Jones returned home to Utica believing that her husband had been found guilty and sentenced to the State prison for life. This belief became general. Major Cohn's friends, supposing that the story was true, went to Washington to ascertain what could be done to secure his release.

What object had Stanton and Holt in telling and repeating these unmitigated falsehoods? Why strike an almost deadly blow at a poor woman who had nursed our wounded and dying soldiers? Why inflict pain and torture upon Major Cohn and Lieutenant Jones, and compel them to remain in a loathsome prison, when they knew they had been found not guilty, and were entitled to be discharged and to enjoy freedom? Were these untruths for the supposed benefit of their party or friends? Truth compels us to say, that it is quite probable that a willingness to allow friends to levy

black mail had had something to do with these false pretences. At that time there were many men in Washington who made very large professions concerning their power and influence with the President and his Cabinet and their ability to procure pardons. Major Cohn's father and uncle were deemed rich merchants in Albany. The latter, when in Albany, and often when in Washington, was approached in mystic language in relation to the release of his nephew. Except in the single instance of Governor Thomas Ford, of Ohio, he turned a deaf ear to all such suggestions. Ford's promises proved fallacious. After being detained two weeks after the release of Colonel North, on the 8th of February, 1865, the prison doors were thrown open, and they were ordered to leave as quick as possible. They were unable, until the 12th of February, 1867, to ascertain what was the actual decision of the commission. Neither the Secretary of War nor Judge Advocate General would give either the information desired. Whether this refusal was because they disregarded their claims to the information, or for fear it would conflict with their oral statements, we can only conjecture. It may be both.

We place this arrest, imprisonment, and trial on record, that our countrymen and their descendants may learn the appalling consequences that flow from disregarding the Constitution and laws, and violating both, to secure and continue the ascendency of a political party, who claim to act under a law higher than the Constitution, and who ridicule that sacred instrument, when its provisions are appealed to as the fundamental law of the land.

H. W. NEWLAND.

H. W. NEWLAND was arrested at his residence near Benton, Franklin County, Illinois, on the night of the 19th of August, 1862. The arrest was made by Major Board, Deputy Provost Marshal, accompanied by a detachment of United States soldiers. He showed neither warrant nor other legal authority, merely arresting the persons whose names were written on a slip of paper which he carried in his hand. Newland was carried away from his family, who, like himself, were ignorant of the cause of his arrest. He was taken to a station on the Illinois Central Railroad, and placed, in company with eight others who had been made prisoners at the same time, on a car, and conveyed to Springfield, under guard.

At dark, he and his fellow-prisoners were *ironed* for safety. At Decatur, however, they were met by United States Marshal D. L. Phillips, who ordered their *irons* to be taken off. Here they remained during the night, and on the following morning were forwarded to Washington City, arriving there on the 23d. Mr. Newland was confined in the Old Capitol Prison, fed upon meagre and badly cooked food, and suffered much from the presence of vermin, and the many indignities that were heaped upon him, until the 25th of September, when he was released without a trial, and told to go home and keep aloof from politics.

He in vain demanded to hear the charges against him, and to know the cause of his arrest.

Mr. Newland is by occupation a farmer. Born and reared in Indiana, he emigrated to Illinois in 1848, and lived in Stark County until 1859, when he removed to Franklin County, where he has since resided.

He took put little part in politics until the Presidential contest of 1860, when he became an ardent supporter of Mr. Douglas. On the election of Mr. Lincoln, he remained quietly at his home, abiding the issue of events, until aroused by the injustice the Administration manifested toward its political opponents. He spoke freely against arbitrary arrests, although repeatedly threatened by his neighbors.

His health is much impaired by his confinement and suffering, but he feels proud that he is one of a host, who suffered political martyrdom at the hands of a corrupt and unscrupulous Administration.

MAJOR J. J. NOAH.

MAJOR J. J. NOAH is a son of the late distinguished Editor, Mordecai M. Noah, of New York city. He emigrated to Minnesota about twelve years ago, where he obtained a fair reputation at the Bar, beside having filled some of the highest offices in the State with credit and ability. The Hon. Henry M. Rice, United States Senator from Minnesota, states, in a letter from the Senate Chamber, that —

"Major J. J. Noah, soon after the commencement of the rebellion, used his influence and gave his time and money in raising troops. He was a long time in the field in the Southwest, but was, from ill health, compelled to resign. He is a lawyer and a gentleman. His loyalty, where best known, could never be questioned."

He had been an officer in the 2d Minnesota Volunteers, one of the oldest volunteer regiments, with which he had served for a long time in the field, in the Department of General Buell. He had been detached and placed upon post duty, in the city of Louisville, Kentucky, when, finding his health greatly impaired by the exposure incurred in the winter campaign of 1861–62, he was compelled to tender his resignation, which was with some difficulty obtained; and he was honorably discharged the Federal service, the latter part of June, 1862.

On the 13th of July, 1862, while quietly sojourning with his family at the National Hotel, in Louisville, he was arrested by order of General Boyle, the Military Governor, or Commander of Kentucky, and, although a military prison was provided within the city for political prisoners, was instantly carried out of the State, and confined in the Jeffer-

sonville (Indiana) Penitentiary. He was not permitted to see any of his friends or family, and the place of his confinement was withheld from them — it being currently stated that he was merely *detained* at the Galt House, so as to throw his immediate friends off the track while in search of him.

It appears that a gentleman with whom Major Noah had a slight acquaintance, accidentally noticing him in prison at Jeffersonville, and being much astonished thereat, succeeded in communicating with him. The result was that the place of his confinement and the facts relating thereto were made known to George D. Prentice, Esq., the well-known veteran Editor of the "Louisville Journal," who, being a friend of Major Noah's, instantly, assisted by Mr. Osborn, also of the "Journal," set about obtaining his release.

They found General Boyle in a terrible fury, obdurate and insolent, refusing to make known any charges, and declining to listen to any communication whatever in reference to the arrest. It was in vain to plead the well-known character of Major Noah for integrity and loyalty — to vouch for him in any way — to draw attention to his military and civil services: nothing could be done, and for some time it appeared that he might remain the inmate of a convict's cell — a guest of the felon's mansion — until it should please the capricious will of General Boyle to release him.

Major Noah's arrest occasioned quite a commotion in Louisville, as his loyalty was considered beyond question, although his political opinions were adverse to those of the dominant party, he being well known as a partisan of the Democratic school, opposed to emancipation, the suspension of the writ of habeas corpus, and all illegal and arbitrary arrests. Finding the tide of public opinion setting against him, General Boyle at last *amiably* consented to release Major Noah, upon condition that he should give bonds in the sum of $10,000, proceed to the State of New York, and there remain during the rebellion. These terms, after having been first indignantly refused, were eventually complied with under protest, upon the advice of his friends. Major Noah was released,

and, at a few hours' notice, exiled into the State of New York. No transportation was furnished him, nor were any of his expenses paid. It appears he was the first political prisoner confined in the penitentiary.

Furnished with letters from Messrs. Prentice, Gazlay, and other prominent Constitutional Unionists of Kentucky, upon arriving in New York city, Major Noah communicated with Secretary Seward, asking an investigation, or an unconditional release and cancellation of his bonds.

This demand was referred to the War Department, but Mr. Stanton took no notice whatever of the application or letter. After more than five months of arrest, upon the interference of the Hon. Henry M. Rice, United States Senator of Minnesota, who threatened, if relief was not granted, to *expose the case in the Senate*, Major Noah was released unconditionally, and his bonds cancelled. This took place after the fall elections, and while the popular mind was under excitement in reference to these arbitrary arrests.

By the statement of the most reliable gentlemen, both of Kentucky and Minnesota, it seems that the pretext for Major Noah's arrest was the performance of a few acts of the simplest courtesy to a Confederate surgeon, who was a fellow guest at the same hotel. It will be remembered that surgeons are non-combatants, and, by express arrangements, are not taken prisoners by the contending armies. This surgeon was liberated from imprisonment at Johnson's Island, by virtue of General Orders of the War Department, releasing all surgeons *unconditionally*.

The officer commanding did not furnish him with transportation, nor indicate to him the route to pursue in returning to his lines; but merely turned him loose in prison clothes, to find his way into the Confederacy as best he might. Begging his way to Louisville, this surgeon made inquiry of the host of the hotel for some source of information as to what he ought to do under these circumstances.

He was without money or decent clothes, and simply desired to conform to the regulations or rules which might

apply in his case, and procure him the necessary transportation. The host introduced him to Major Noah, with a request that he would advise this surgeon in conformity to what he believed, from his military experience, would be requisite. It appears that this act of courtesy was performed, and for this he was arrested, thrown into a penitentiary, exiled from his home and pursuits, ruined in purse, and mortified in spirit, *without a preliminary hearing*, or even permitted an explanation.

For five months, the War Department refused to notice his application for redress; and, had not the prompt action of Senator Rice procured his release, he would have remained under the espionage of the bloodhounds and spies of the city of New York in the Federal employ, prevented from embarking in any legitimate pursuits, or earning the requisite means for the maintenance of his family.

This war, in the minds of most in authority, did not permit of any acts of courtesy whatever; and the simplest motives of benevolence were construed into rank disloyalty, particularly if the party exercising them was, in opinion, opposed to any of the acts of the Administration.

HON. EDSON B. OLDS.*

THE case of the Hon. Edson B. Olds is one of deep and thrilling interest. Dr. Olds was, for more than a quarter of a century, one of the most active and influential Democrats in the State of Ohio. Previously to his imprisonment, he had addressed political meetings in almost every county in the State. He had been twice elected to the popular branch of the Ohio Legislature from Pickaway County. He had also represented Fairfield and Pickaway counties in the Senate, and, during the session of 1846–47, had held the responsible position of Speaker of that body. In 1848, and again in 1850, he had been elected a representative to the Congress of the United States from a district which had been apportioned for the express purpose of defeating his election. In 1852, Dr. Olds was again elected to Congress from the Capital District of Ohio. In Congress, he, for four years, held the important position of Chairman of the House Committee on Post Offices and Post Roads.

During the Presidential canvasses of 1856 and 1860, he was most untiring in his appeals to the people to put down both the fanaticism of the North and the ultraism of the South. He dwelt with fervid eloquence upon the appeals of Washington, Jefferson, Jackson, Clay, Webster, and others, who frowned down every attempt to organize political sectional parties.

To show the sound and strong Union sentiments held by Dr. Olds, not only prior to, but during the prosecution of the war, we will make a few extracts from his celebrated BERNE TOWNSHIP speech, for the making of which, he was arrested and imprisoned. After reading copious extracts

* Died January 24, 1869.

from the old fathers against the organization of sectional parties, he says:

"These warnings, time and again, the Democracy have held up to the view of our Republican friends; but we have been met only with taunts and derision. There is not a Democrat within the sound of my voice but knows, as a matter of fact — knows, as a part of the history of the times, that, for more than ten years, Democratic papers and Democratic orators have everywhere, and upon every occasion, raised their warning voice against a sectional organization. For myself, I know that in more than a hundred speeches, almost with tears in my eyes, I have repeated the warnings and pleadings of Washington and the fathers, for the preservation of the Union. My friends, it was no uncommon thing, two years ago, to hear myself called, by way of derision, 'a UNION SAVIOR.' During the late Presidential canvass, so earnest were my pleadings for the Union, that it was a common occurrence, if I happened to be making a speech, to hear the prominent Republicans remark, as they passed, wagging their heads, 'Oh! it 's only Dr. Olds, saving the Union.' I call God to witness here to-day, in the presence of the Republicans, that if I, by sacrificing myself, could restore this Union to what it was before the Abolitionists destroyed it, I would lay myself upon the altar a sacrifice, and give the very last drop of my heart's blood to repair the evils Abolitionism has brought upon my ruined country. I do NOT stand here to-day for the purpose of justifying the South in seceding from the Union. No man condemns secession more severely than I do. In my judgment it was folly — consummate folly—for the South to inaugurate such a measure. The election of Mr. Lincoln was no justification for them to destroy the Government. They should have sought redress in the Union, and not by attempting to destroy it. But, most unfortunately for us, and for the whole country, there were men at the South who, though hating Abolitionism, yet played into the hands of that party, and aided them in all their mad efforts to break down the Democratic party,

the only Union party of the country. These men broke up the Charleston Convention expressly to aid the Abolitionists of the North in electing a sectional President, that they might thereby have an excuse for seceding from the Union. For such men I have no sympathy. They have 'sown the wind,' and in the end will 'reap the whirlwind.'"

No charges were ever preferred against Dr. Olds. Some of the Republican papers, in order to excuse the Administration, charged that, in his Berne Township speech, made on the 26th of July, 1862, he had discouraged enlistments and counselled resistance to the draft. In order to show the untruthfulness of all such charges, we quote *verbatim* all that Dr. Olds said on either subject:

"Mr. Chairman, young men are permitted to dream dreams, and old men to see visions. And as I am an old man, my Republican friends will permit me to have a vision, and not call it treason. In my vision I see the ballot-boxes of this country baptized in blood. . Passed events, I acknowledge, have much to do in producing this vision. At the election in our sister State of Maryland, less than a year since, the hustings were surrounded by an armed soldiery, and Democratic voters were driven from the polls at the point of the bayonet. In Missouri, Democratic candidates, by force of arms, have been taken off the stump to be incarcerated in Military Bastiles. In Kentucky, a few days since, a Democrat, for having the temerity to run, as an independent candidate, against a so-called Union man, had his tickets seized and destroyed by the Provost Marshal. These things are indications of what we may expect in Ohio. What mean these military committees in every county in your State? Are they not designed expressly to overawe the Democracy? Are they not to be used as military appliances to control the ballot-box?

"But, Mr. Chairman, my vision stops not here. I see other dark clouds hanging over us. I see a Government recruiting-officer before me. We find them in every nook and corner of our country. I say to him, that if this war ceases to be a war for the suppression of the rebellion; if it

is no longer to be prosecuted for the maintenance of '*the Constitution as it is*,' and the restoration of '*the Union as it was*,' and is to become an Abolition war; if your battle-cry, henceforth, is to be, '*Throw down your arms, you damned rebels, and free your negroes*,' Democrats will refuse to volunteer; and, in order to raise these six hundred thousand soldiers, the Administration will be driven to the draft. Your Governor has, by proclamation, told us that he will use his influence to screen from draft all such persons as shall subscribe liberally in money toward the bounty to be paid to volunteers. What, let me inquire, does this language of your Governor mean? Has he the power to draft whomsoever he pleases? If so, God help us, poor Democrats. This draft, we know, will be in the hands of the Republicans. This declaration of the Governor foreshadows unfairness. The supposition is a natural one, that the Governor would like to send the Democrats to the war, so as to keep them away from the polls, and retain Republicans at home, in order to save their votes for the party. With this declaration of the Governor sounding in our ears, may we not expect to be wofully cheated in case the draft takes place?

"In my vision, I see what must be the inevitable consequences of a fraudulent draft. Every man who feels himself cheated, who feels that he has been unfairly dealt by in this draft, will refuse to be mustered into service, and such refusal will cause the shedding of blood; a file of soldiers will be sent for him, and he will resist even at the point of the bayonet. If the President wishes to avoid such fearful results; if he wishes to avoid bringing civil war and bloodshed into our peaceful cities and villages, let him make some proclamation, by which we may know that this war is not prosecuted for the abolition of slavery, and this draft will become unnecessary.

"Let him proclaim that this war, in the future, will be prosecuted for the sole object of putting down the rebellion, for the maintenance of the Constitution and the Union, and

he will find strong arms and willing hearts ready to rally round the old Star-spangled Banner.

"Let him do this, and this same old Democratic party, that the Republicans are denouncing as disunionists and secessionists — this same old Democratic party, that rallied around his standard, so long as they believed him devoted to the Union and the Constitution — will again fill the ranks of his army to overflowing; they will, as heretofore, more than count life for life, bone for bone, and blood for blood, with the Republicans, upon all your battle-fields."

On the 12th of August, 1862, after ten o'clock at night, Dr. Olds' house was forcibly entered by three Government ruffians, who, with violence, seized his person, and, holding a revolver at his head, demanded his surrender. During the time they were making their repeated and violent efforts to burst open his door, they gave no intimation that they were Government officers, or that they had any authority for his arrest. They came like assassins and robbers, they behaved as such, and had he not been informed, by the boastings of certain Republicans, that affidavits, designed to cause his arrest, had been forwarded to the War Department, he should, most undoubtedly, have considered them such. When, after his capture, he demanded to know by what authority they had thus rudely broken into his room and seized his person, they harshly informed him that they were acting under authority of the War Department. He then demanded to be shown their warrant. They informed him that he had no right to make such a demand; that the order which they held was for their protection, and not for his gratification. They, however, permitted him to examine it. The document was signed by C. P. Wolcott, Assistant Secretary of War, and was dated, "Washington City, August 2, 1862." It was directed to W. H. Scott, and commissioned him to take with him one assistant, and proceed to Lancaster, Ohio, and arrest Edson B. Olds, convey him to New York, and deliver him to the commanding officer at Fort Lafayette; and that, if he were resisted in the execution of the order, he

was directed to call upon Governor Tod. of Ohio, for such assistance as might be necessary.

The order contained no intimation of the "nature and cause" of the accusation against him; indeed, it charged him with the commission of no offence whatever, and when he demanded of his captors to know what were the charges against him, they replied that they did not know. These Government ruffians were further directed to "*peaceably*" arrest him. Yet with violence they burst open the door of his room, and, with revolver in hand, they made the arrest.

Thus was he dragged from a sick-bed to which he had been confined by an attack of acute dysentery. In this condition, he was hurried into a carriage, and during the remainder of the night, driven to Columbus, and just at daylight, placed on the cars and conveyed, in his sick and exhausted condition, without a moment's delay, to New York city.

Thence he was taken to Fort Lafayette, where he was ordered to remove his clothing, that his person might be searched. To make, if possible, such an insult still greater to an American citizen, he was taken into a side room, where around him lay, in heaps, balls with chains, and handcuffs. With such surroundings, he was stripped and searched, his watch, money, spectacles, shaving apparatus, and even medicines were taken from him. He was not permitted to retain even an old newspaper, or a piece of paper of any kind. After this degrading operation had been performed, and before he was conducted from the Commandant's room to his dungeon, all the other prisoners about the Fort were locked in their rooms, that he might not be seen and recognized, lest, peradventure, information might be given to his friends of the cruelties about to be inflicted upon him. One of the prisoners having learned, a few days afterward, through the medium of a newspaper, who the mysterious stranger was, wrote to a friend, "that Dr. Olds, of Ohio, had been brought to Fort Lafayette and placed in solitary confinement." His letter was returned to him by the Commandant, who reasoned him

to strike out that part of it which referred to the case of Dr. Olds.

Dr. Olds was now placed in a dungeon. This dungeon was on a level with the ground, and had a brick pavement or floor over about the half of it. The dampness was so great that, in a very short time, a mould would gather on any article left upon the floor. His bed consisted of an iron stretcher, with a thin husk mattress upon it, so thin, indeed, that he could feel every iron slat the moment he lay down upon it. The brick floor, with all its dampness, would have been far more comfortable than this bed, had it not been for the rats and other vermin that infested the room. The only furniture in his room, beside the bed, was a broken table and a chair. His daily fare consisted of Government bread, an old rusty tin of "Lincoln coffee," and a slice of boiled salt pork, with an onion, occasionally, as an anti-scorbutic. His only drink, except the nasty coffee, was rain-water. He was not furnished with a towel, nor could he persuade his keepers to give him one. Neither could he induce his jailers to let him have a candle during the long, tedious nights of his illness. No entreaty could procure him the return of the medicines which had been taken from him when searched. To relieve his sufferings, again and again he begged for a small piece of opium, which had been taken from his pocket with the other medicine, but all in vain. After ten days of such treatment and suffering, late one night, the sergeant of the guard brought him some medicine, which, he informed the Doctor, the surgeon of Fort Hamilton had sent him. This surgeon knew nothing about his case, never having seen him, or been informed by him of his condition. With no light in his cell, and no one to counsel him, the reader can well understand why he would not take the medicine.

He did not know but that this jailer's design was to poison him. Their previous treatment justified such an opinion. He determined that if he was to die in Fort Lafayette, it should be a natural death, unless tried by a drum-head court-martial and shot. This he felt they had as much right to

do as to arrest and imprison him. By such treatment, his combativeness was aroused, and this, no doubt, contributed much toward saving his life, for, as he says: "I was too mad to die." About this time his son, hearing where he was, visited him; and who will be surprised that he found his father "emaciated and careworn?" If anything could have added to the cruelty inflicted upon him, during the long days and nights of his sickness and suffering, it was the refusal of the Commandant to allow him the use of a Bible. Day after day he begged the sergeant to procure one for him. His constant answer was, "The commanding officer says you shan't have one." The Doctor begged him to remind the officer that they lived in a Christian, and not a heathen land — that he was an American citizen, and not a condemned felon. Still the answer was, "The commanding officer says you shan't have one, and you need not ask any more;" and it was not until after sixteen days of such more than heathenish treatment, that Colonel Burke, of Fort Hamilton, upon the importunity of his son, sent an order to the Commandant at Fort Lafayette to let him have a Bible.

It was on the *sixteenth* day of his lonely imprisonment, that his son, upon an order of the Secretary of War, was permitted to see him, not in his lonely cell, but in the Commandant's room and presence. It was with much difficulty that, even at that time, he was able to walk from his cell to the officers' room. This was the first time during his imprisonment that he had been able to obtain an interview with the Commandant. In his weekly inspection of the prisoners, he had carefully avoided the Doctor's dungeon. No kindly message of inquiry as to his wants and condition had ever been made. Dr. Olds seized upon that opportunity to let him know that he was a human being, and as such entitled to human treatment, that such a thing as refusing a prisoner a Bible was unknown in any civilized community. His answer to the prisoner was, that he was not permitted, under his orders, to let him have one.

He had great reason to be thankful that his son's visit

gave him an opportunity to see the Commandant; for, from that time, although he was kept in solitary confinement, his condition was much more comfortable: a better mattress was put upon his bed, occasionally a raw onion or tomato was added to his dinner, and on two occasions some pickled beets were sent him from the cook-room.

His son was compelled to visit Washington, to obtain from the Secretary of War an order granting him permission to see him, before he could be admitted to the Fort. As soon as he learned how he had been treated, he returned immediately to Washington, and, with the assistance of a very kind friend, procured an order from Secretary Stanton for his release from solitary confinement, and that he should have all the privileges accorded to the other prisoners. And thus, after *twenty-two* days of worse than heathenish treatment, his dungeon door was unlocked, and he was permitted to hold intercourse with his fellow-prisoners.

After Dr. Olds' release from solitary confinement, he was put in a casemate with eleven others, making twelve persons in a room measuring fifteen by twenty-five feet. In this room they slept, cooked, and ate. In it were their beds, chairs, tables, trunks, cooking-utensils, table-furniture, etc. They were locked in their room at sunset, and unlocked again at sunrise. Through the day they were permitted to stand or sit in front of their cell, inside the Fort. They had, morning and evening, what was called a "walking hour." This hour was sometimes ten, and sometimes thirty minutes long, just as it suited the caprice or whim of the sergeant. The walking ground was inside the Fort. Dr. Olds says, "We were permitted to walk backward and forward across the area of the Fort, which was perhaps a little larger than the City Hall at Columbus, Ohio. We were permitted, by the commanding officer, to supply and cook our own food. We were compelled to use rain-water for all purposes, cooking, washing, and drinking. Each and every time that we drew any from the cistern, we were required to obtain permission from the sergeant of the guard. This, like all cistern water, was

sometimes quite good, and at other times very offensive. Mr. Childs, one of my mess, informed me that at one time, during the latter part of the winter of 1862, in consequence of the accumulation of ice in the gutters, all the washings and scourings from the soldiers' quarters ran into the cistern, out of which the prisoners were compelled to draw the water they used; that the water became so filthy that they had to boil and skim it before using it; and that notwithstanding they had three other cisterns inside the Fort, full of comparatively clean water, the commanding officer compelled them to use this." We here give an incident that came to the knowledge of Dr. Olds during his captivity, which is so inhuman and monstrous as almost to challenge belief.

There were at one time confined in one of the rooms of what is called the Battery, some thirty prisoners. One of these poor fellows was prostrated with sickness, and near unto death. Night came on, and it was thought that the poor fellow could not live until morning. The prisoners confined in the room of the dying man, begged that for one night, at least, they might be permitted to have a light in their prison; and incredible as it may seem, this request was refused; and in this boasted land of liberty, civilization, and Christianity, these prisoners were locked up in their dark prison-house, with the dying man. During that long, dark night, they could hear his dying moans; louder and louder grew the death-rattle, until near morning, when all became still and hushed; and when the light of day broke in upon that loathsome dungeon, death had done its work. This poor victim of President Lincoln's despotism had ceased to live; his released spirit had gone to that world where "the wicked cease from troubling, and the weary are at rest."

Several times during the last three weeks of Doctor Olds' confinement, he was offered his liberty upon condition that he would "take the oath," which he persistently refused, not because he was, or intended to be disloyal, but because he would not submit to be discharged in any manner by which his enemies could, even by implication, infer that he acknowl-

edged himself rightfully charged with any offence against the Government.

After four months' imprisonment in Fort Lafayette, *twenty-two days of which were spent in solitary confinement*, and without having any charges made against him, or any trial, Dr. Olds, on the 12th of December, 1862, was set at liberty, and on the 20th of the same month, reached his home in Lancaster, Ohio.

From the Lancaster "Eagle."

"Olds' reception on last Saturday is unparalleled in numbers and enthusiasm. Lancaster never witnessed such an outpouring of the people. Cripples would have stood no chance at all in the unbroken and tremendous rush and jam. The first seen of Olds after the train stopped at the Lancaster depot, was upon the shoulders and heads of the crowding and solid mass of Democrats. We estimate the crowd at twelve thousand. The surrounding counties were all creditably represented. An extra train from Circleville brought about one hundred sound, cheering Democrats, with a brass band! We have not space to particularize and comment as we desire. The eloquent reception speech of Mr. Martin, and the matter-of-fact, though eloquent remarks of Dr. Olds, published below, we know will be read and pondered by all

C. D. Martin's Reception Speech.

"Dr. Olds: I have been commissioned by the Democracy of this county to perform the grateful and pleasing task of bidding you a formal welcome to your home, your friends, and your constituents. It is the spontaneous and generous greeting with which a magnanimous people welcome the deliverance of their friend and representative from the odious thraldom of a political Bastile. It is, sir, the token and memorial of the fixed and unalterable determination of the sovereign people that such insufferable wrongs shall not be perpetrated with impunity.

"On the 12th of August last, at the midnight hour, the

privacy of your home was invaded—meanly and stealthily invaded by armed men—your chamber was broken into, and yourself, an old man of threescore and ten, wholly unarmed and unprotected, dragged from a bed of sickness, and forcibly and secretly abducted. You were transported in the same secret and violent manner from your home and friends, from your county and State, and confined within the gloomy walls of a Military Fortress, whose heavy buttresses and frowning battlements look out on the deep blue waters.

"You were detained a prisoner for four weary months. We have heard somewhat 'the secrets of your prison-house.' How, for twenty-two days you were kept in solitary confinement in a dark, gloomy, and ill-ventilated casemate. How you were completely excluded from the world and all knowledge of home, friends, and country. How every personal comfort was denied you. And you were permitted to behold no human countenance but the grim visage of your jailer. How, in short, those days of imprisonment were imbittered by the studied arts of refined cruelty. Well you may exclaim, in the immortal language of the Prisoner of Chillon,

> 'My limbs are bowed, though not with toil,
> But rusted with a vile repose,
> For they have been a dungeon's spoil;
> And mine have been the fate of those
> For whom the goodly earth and air
> Are banned and barred—forbidden fare.'

"Posterity will read with wonder and shame the story of your persecution. Even the hardened jailer was touched with compassion at your sufferings; for when remonstrated with by your son, who had found his way to your prison door, he declared against the iniquities he was compelled to practise by his superiors at Washington.

"You were thus arrested, thus abducted, thus imprisoned, without law, and against law, and in contempt even of the forms of law. You have suffered execution of sentence—you have suffered an inhuman and barbarous punishment,

but without trial, without an opportunity of defence, and without judgment. A secret and insidious political informer has been esteemed the most odious of characters. He is held in utter detestation by all honorable men. He stabs in the dark. Personal malignity and private gain are his only motives. Falsehood and detraction are the instruments he employs. In a free country, where the laws are respected and judicially administered, he has no existence. His vulture occupation prospers only in a despotism, where arbitrary arrests and secret inquisitions obtain.

"In the issue joined between you and the secret informer, the people have rendered their verdict. Your neighbors, your fellow-citizens, that public to whom your alleged disloyal speeches were made, have spoken. When recently an afflictive dispensation of Providence removed from its earthly home their representative in the State Legislature, the gifted, lamented JEFFRIES, they sought you out in the gloom of the prison, and conferred upon you by their unbought and unsolicited suffrages, the high honor of that representative trust. This, sir, is a proud vindication of your loyalty, and a complete refutation of the calumny laid to your charge. . . . Peace and Union are the highest aspirations of a Democratic heart—a peace durable and beneficent, and a Union conserved by wise constitutional enactments against the assaults of sectional fanaticism. Wishing you much happiness and long life, I again, in the name of these lion-hearted Democrats, bid you welcome, thrice welcome, to your home, friends, and constituents."

DR. OLDS' REPLY.

"MR. MARTIN: I thank you, and, through you, all this vast multitude of my friends and fellow-citizens, for this most cordial reception upon my return from imprisonment. I do not misunderstand the joy that now warms your hearts and beams upon your countenances. It is not merely that a fellow-citizen is returning to the society of his friends and the bosom of his family. It is something deeper and broader

than this. It is because, in my restoration to liberty, you have a *quasi* guarantee that the reign of terror in this country is coming to an end, and that the keys of the American Bastiles are being, by the omnipotent voice of the people, wrested from the hands of the Jacobins now in power, and held up to the gaze of the Dantons, Murats, and Robespierres of the Administration, as a warning to them of their approaching doom.

"You rejoice, because, in my restoration, you have made an advance toward the re-establishment of constitutional liberty; you rejoice, because, in my release, you feel renewed confidence in your own freedom; you rejoice, because you feel, once more, secure in your persons, your houses, and your property; you rejoice, because, in my release, you have a guarantee that you, yourselves, will no longer be subject to the worse than *Star-Chamber* despotism; you rejoice, my friends, because you expect, on this occasion, to hear from one in whom you have confidence, one who knows, by personal experience, some of the horrors seen and felt in the secret chambers of the American Inquisition.

"Daniel Webster said: '*The first object of a free people is the preservation of their liberty;* and liberty is to be preserved by maintaining constitutional restraints and just divisions of political power. All republics, all governments of law, must impose numerous limitations and qualifications of authority, and give many positive and many qualified rights. In other words, they must be subject to rule and regulation. This is the very essence of free political institutions.

"'The spirit of liberty is, indeed, a bold and fearless spirit; but it is also a sharp-sighted spirit; it is a cautious, sagacious, discriminating, far-seeing intelligence; it is jealous of encroachments, jealous of power, jealous of man. It demands checks; it seeks for guards; it insists upon securities; it intrenches itself behind strong defences, and fortifies itself, with all possible care, against the assaults of ambition and passion. It does not trust the amiable weaknesses of human nature; and, therefore, will not permit power to overtop its

prescribed limits, though benevolence, good intent, and patriotic purpose come along with it. Neither does it satisfy itself with flashy and temporary resistance to its legal authority. Far otherwise. It seeks for duration and permanency. It looks before and after; and, building upon the experience of ages that are passed, it labors diligently for the benefit of ages that are to come. This is the nature of constitutional liberty; and this is our liberty, if we will rightfully understand and preserve it.'

"The Constitution, in the fourth article, expressly forbids the arbitrary arrest and imprisonment of the citizen. Washington thought that, in the original Constitution, 'more checks and barriers against the introduction of tyranny were to be found than in any government before instituted among mortals.' But our fathers were not satisfied with the protection against tyranny and arbitrary arrests to be found in the original Constitution. So fearful were they that, under some great emergency, this sacred chart of our liberties might be abused, under the plea of '*necessity*,' that, almost immediately after its adoption, they proposed, and the States ratified, several amendments, all designed to still further prevent Executive encroachments, and protect the rights and liberties of the citizen. The first of these amendments provides that 'Congress shall make no law abridging the freedom of speech or the press.'

"The fourth amendment says: 'The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.'

"The fifth amendment says: 'No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger; nor shall any person be subject for the same offence to be twice put

in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.'

"Such are some of the safeguards thrown around the citizen by that Constitution which was devised by the wisdom of our fathers. They are all in full force to-day. They are as much binding upon the President of the United States and the Governor of Ohio as upon the humblest citizen — nay, more, they ought to be doubly binding upon Abraham Lincoln and David Tod, for they are bound by their oaths of office to support and maintain this sacred instrument.

"How have these high functionaries kept their solemn oath? Have they maintained the freedom of speech and of the press?

"Have they 'held inviolate the right of the people to be secure in their persons, houses, and effects, against unreasonable searches and seizures'?

"Have they deprived no person of liberty without due process of law?

"Have they given all persons whom they have caused to be arrested, 'a speedy and public trial by an impartial jury'?

"Have they transported no person whom they have caused to be arrested, 'out of the State and district wherein the offence was committed'?

"Have they informed all persons whom they have caused to be arrested, 'of the nature and cause of the accusation against them'?

"Have they caused the persons whom they have arrested, 'to be confronted with the witnesses against them'?

"Have they given 'the assistance of counsel for their defence'?

"Have they 'inflicted upon them no cruel and unusual punishment'?

"I stand here to-day as a living witness, and I will stand at the bar of God, to add my testimony to that of my fellow-

prisoners, that, notwithstanding their solemn oaths, they have violated EVERY ONE of these constitutional provisions.

"In violation of the Constitution, Lincoln and Tod had me arrested for using the freedom of speech.

"In violation of the Constitution, they caused my house to be forcibly entered.

"In violation of the Constitution, they caused my papers to be searched.

"In violation of the Constitution, they caused my person to be seized by armed ruffians.

"In violation of the Constitution, they deprived me of liberty without due process of law.

"In violation of the Constitution, they held me to answer infamous accusations, without presentment or indictment by a grand jury.

"In violation of the Constitution, they denied me the right of a speedy and public trial by an impartial jury.

"In violation of the Constitution, they have carried me out of the State and district in which my alleged offence was committed.

"In violation of the Constitution, they have refused to inform me of the nature and cause of the accusation against me.

"In violation of the Constitution, they have never confronted me with the witnesses against me.

"In violation of the Constitution, they have not permitted me to have counsel for my defence. On the contrary, the Secretary of State directed the Commandant of Fort Lafayette to read to the prisoners an order from the State Department, in these words: 'That the General Government will not recognize any one as an attorney for political prisoners, and will look with distrust upon all applications for release through such channels, and that such applications will be regarded as additional reasons for declining to release such persons.' Could there be, by any possibility, a more direct and defiant disregard of the Constitution than this order?

"And in violation of the Constitution, and even without so

much as a mock trial, they have inflicted upon me cruel and unusual punishment.

"There stands to-day, just inside the sallyport of Fort Lafayette, a brass six-pounder, loaded with a bomb. This cannon was planted in that position at the time when it was expected that the Sheriff of New York would attempt to execute a writ of *habeas corpus* upon the commander of the Fort. He says that he has practised with it until he has obtained the exact position, so that a bomb fired from it would explode in the sallyport; he boasts that with a single bomb he could utterly destroy the Sheriff with his whole *posse comitatus;* and in derision of this writ, he has nicknamed this cannon '*his habeas corpus.*'

"Upon '*lettres de cachet,*' a term unknown to the laws and Constitution of this country — a term borrowed from the despotism of the dark ages — a process every letter of which was so rank with the smell of blood, that even the Jacobins of France discarded it — I was arrested. And as if there were not infamy enough in such a process, the Administration deepens its infamy by adopting the long-discarded practice of the Spanish Inquisition, which caused its victims to be arrested under cover of night.

"My friends, when all the barriers of constitutional liberty are broken down; when the *habeas corpus* is set aside; when the tribunals in which, heretofore, the oppressed have found redress for lawless violence, are resisted and set at nought with arrogance and contempt; when loyal, law-abiding citizens are imprisoned at the discretion of some minion of a Cabinet officer, or on the '*I order the arrest of Dr. Olds,*' of David Tod; when the sacred right of trial by jury is set aside for military commissions — the inquiry of what are we to expect next? becomes one of momentous interest to every citizen. It is a question which comes home alike to Republicans and Democrats.

"During the dreadful days of the French Revolution, party followed party with such rapidity, that it seemed more like a panorama upon the stage than a living and passing

drama. Those men who to-day consigned their victims to the Bastile, or ordered them to the guillotine, were, on the morrow, by these revolutions of party, themselves the occupants of cells in the Bastiles, or their headless trunks lay bleeding beneath the axe of the guillotine. Haman, while basking in the king's favor, raised a gallows fifty cubits high, upon which to hang Mordecai, the Jew; but alas, poor Haman! on the morrow he was hanging from his own gallows.

"The future historian of our country will not only be compelled to darken his pages with Lincoln's imitations of the reign of terror in France, but he will be compelled to record also his adoption of the dogmas, the maxims, and the practices of the Spanish Inquisition.

"Not in Austria, not in Spain, not in Naples, but in free America — not in the dark ages of superstition and despotism, but in the nineteenth century — not by an Inquisitor-General, but by Abraham Lincoln, all the outrages of the Inquisition, so graphically and truthfully described by the historian Prescott, have been practised upon the victims of this Administration, in these Military Bastiles. And now, my friends, what is the plea for all this despotism?

"It is the plea used by tyrants and despots — the plea of 'necessity.' Let Mr. Lincoln and the people both be admonished in time; history furnishes us with no example in which such despotic power, no matter what the emergency may have been which caused it to be used, has been voluntarily relinquished. It has always ended either in the complete subjugation of the people, or the overthrow and death of the tyrant who fails in maintaining it.

"And in conclusion, my friends, permit me to say, that although I would not 'take the oath,' attempted again and again to be forced upon me by Mr. Lincoln, as a condition of my release, yet, when in two weeks from this time, I take my seat as your representative in the Legislature, I shall most cheerfully take the oath of allegiance to both the Constitution of the United States and the Constitution of the

State of Ohio. That oath, notwithstanding the example of both Lincoln and Tod to the contrary, I shall maintain inviolate. All those sacred guarantees which both these constitutions throw around you, to protect you in your inalienable rights, I will endeavor to enforce to the utmost of my poor ability, in defiance of the despotism of both the President and the Governor, although by so doing, I may be again returned to my lonely cell in Fort Lafayette.

"Again, my friends, for this most extraordinary reception — for this most cordial greeting, I tender you my heartfelt thanks."

JOHN E. ROBINSON.

ON the 20th of September, 1864, Mr. John E. Robinson, a resident of Philadelphia, was arrested on the streets of the city of Sandusky, Ohio, at which place he was then sojourning. He had been in bad health for some time previously, and in August, at the solicitation of his father, determined to make a tour of the Northern States. He had been but a short time in Sandusky when his arrest took place. As he was returning from a funeral service, he was accosted by an officer with a squad of marines, from the United States gunboat Michigan, then lying in the offing of Sandusky Bay, a body of water about twenty miles long by five or six wide, making inland from Lake Erie. The officer, without further parlance, arrested and proceeded to convey him on board the gunboat.

To Mr. Robinson's inquiry as to the cause of his arrest, he was informed by the officer that he would be made acquainted with it on his arrival on the gunboat. He was hurried forward through the crowd toward the landing, whence he was taken on board the vessel and confined. The streets through which he passed were crowded with people, many of whom threatened him with personal violence. The cries from the crowd of "Hang him," "Bring a rope," "Lynch him," etc., added to personal abuse and maledictions, were calculated to appal the stoutest heart. When the prisoner arrived on board the gunboat, he was taken into the presence of the Captain, who, surrounded by his subordinate officers, closely questioned him. At the close of the examination he was told that he would be detained, and was consigned to a small state-room, where he was confined for five days. From the purport of the examination, Mr. R. concluded that he

was arrested on suspicion of having been concerned in the "Lake Erie raid," although he was not openly charged with any offence. On the 25th, he was removed from the state-room, and conveyed to Johnson's Island, once known as "the Beautiful Isle of the Lake," but more recently familiar to the world as the place where Confederate prisoners of war were confined. Here Mr. R. was placed in a tent, and guarded day and night by two sentinels, the one pacing in front, and the other in the rear of his tent. He was forbidden to converse with any person except the commanding officer or the officer of the day. Books and newspapers were denied him, and he was prohibited writing more than one page of common note-paper once a week. On the 29th, after four days of incarceration in the tent, he was taken to Cleveland, and placed among thieves, pickpockets, burglars, and negroes, in the County Jail. Here he remained until the 8th of October, when he was taken from the jail, *handcuffed*, and marched through the streets of Cleveland, and again transported to Johnson's Island, and assigned his old quarters in the tent. His food, although not good, was comparatively better than his bed. Accustomed to the luxury of a good bed, and all the surrounding comforts of home, and being in delicate health, he soon began to break down from the ill effects experienced from lying on the ground. He had no mattress, and but one old blanket, so narrow that it would not cover his entire person. This he used to lie upon, to protect his person from the damp ground. In his misery he many times begged for some straw or hay to lie upon, which was often promised him, and as often forgotten. The chilly winds admonished him of the approach of winter, and tended to increase the horrors of his situation. Alone, illy clad, sick, and in prison, without any direct charge having been preferred, without counsel, and denied a trial, it seemed as if he had been taken there to perish.

While in this condition he was given a small sheet-iron stove, such as are used in tents. To keep the tent comfortable required him to keep the fire burning briskly. This

was possible during the day, but at "taps," he was compelled to let the fire go out, as the opening of the stove-door to put fuel on the fire, caused the light to flash out into the camp, which produced from the sentinel the peremptory order of "put out that fire." This order, of course, had to be obeyed, and during the remainder of the night the prisoner sat and shivered with cold, or walked a few steps backward and forward in the tent, to keep up the circulation of his blood. This treatment continued until about the first of December, when a sort of shed was built. In this shed the prisoner was placed, but the change was far from mitigating his condition. The boards, green when worked, soon shrank from exposure to the sun and wind, until large crevices appeared on all sides.

The wind howled and moaned round this shed, and whistled as it came through the cracks, upon its unhappy occupant. The day on which Mr. R. was transferred from the tent to this shed was intensely cold, and the ground covered with about two feet of snow. In walking backward and forward through the snow, the prisoner's feet were badly frosted, the right one so badly, indeed, that the skin came off, thus incapacitating him from walking, and causing excruciating pain.

One incident is sufficient to show the character of the officers in charge of the Island, and their treatment of the prisoners. During his confinement in the tent, Colonel Hill, the Post Commandant, had occasion to leave the Island on business, and Lieutenant Colonel Palmer was left in temporary command. During the forenoon, Mr. R. succeeded in borrowing, from one of the soldiers, a book with which to while away the long, tedious hours of his imprisonment. By some means, Colonel P. became acquainted with the fact, and immediately came to the quarters and made search for it. As the prisoner had no place to hide it, the object of his official wrath was quickly found. Palmer, in a hasty and supercilious manner, demanded the name of the party who had lent him the book, and on the prisoner's refusal to reveal it, ordered a sergeant to remove from the tent the stove, blan

ket (?) and candle, together with his pipe and tobacco, concluding this display of authority with a tirade of personal abuse, threatening Mr. R. with bread and water, if he did not divulge the name of the person from whom he had obtained the book. This threat was never carried into execution, Mr. R. escaping it by the magnanimity of the soldier, who, on learning how matters stood, gave himself up. Thereupon the articles removed were returned, and the man sent to the guard-house.

Time dragged wearily on until the 25th of January, 1865, when Mr. Robinson was again taken to Cleveland and placed in the jail. Here the food was poor. The rations for breakfast consisted of rye coffee and hard bread. Dinner and supper were merged into one meal, at which the prisoners were given a poor, thin soup, with a few pieces of tough, stringy beef, probably the offal. He was detained a prisoner at this place until the 3d of February, when he was again returned to Johnson's Island, which, in the language of Whittier, seemed

"The fittest earthly type of hell."

Immediately on his arrival he was taken to his old quarters *in the shed*, and was much pleased to find them occupied by several gentlemen from the interior of the State of Ohio, who had been arrested and were detained on the charge of resisting the draft. They were genial, companionable gentlemen, and their association tended much to relieve the *ennui* of prison life. Here he remained undisturbed until the 12th of May, when, as on former occasions, he was taken out of his hut to be conveyed he knew not whither. Cleveland was again his destination. There he was confined about four weeks. The first week he was imprisoned in the County Jail, as on previous occasions.

It was now deemed a "military necessity" to separate him from the other prisoners, and consequently he was conveyed to the city lock-up, where the nights were made hideous by the profanity of drunken men, and the sickening, indecent language of the debased women, who were separated from

the men only by a narrow corridor and a flight of stairs, they being in the second tier of cells, the men occupying the rooms beneath them. The grated iron doors all opened on the same hall. Their food was given them in the manner of feeding swine, that is, a basket of dry bread was thrust through the wicket in the door, and it was at the option of the prisoners whether they ate it or not. The drinking water was obtained from a hydrant in the back part of the hall. The cell into which Mr. R. was thrust, contained nothing but a board fastened along the wall, like a bench, upon which it was intended that the prisoners should sleep. It was void of all bedding, and swarmed with vermin.

Disgusted with such debasing associations, Mr. R. entered complaint to the United States Provost Marshal at Cleveland, who, thereupon, caused him to be immediately removed to better apartments. He was then placed in the women's department of the County Jail, which was without an occupant, save a large, savage-looking gray cat, that prowled around at will. Watching the movements of this grimalkin served to pass away many otherwise weary hours. In the same department in which the prisoner was then confined, a woman had committed suicide, about four weeks previously. The deed had been done by hanging herself to the grating under the skylight. This event was not calculated to furnish very pleasant thoughts during the hours of solitude. Three weeks were passed in this prison, when he was again transferred to Johnson's Island, and confined with the rebel prisoners of war, in what was known as the "BULL PEN."

Why he was removed from the Island to Cleveland, and thence back to the Island so often, is a fact that he is unable to account for, never having been informed of the cause. From his advent among the "Rebs," until his removal to Fort Lafayette, he was doomed to suffer the gnawing pangs of hunger. He was much surprised, on going to draw his rations, and that of his messmates—they being then in a mess—at getting only a loaf of bread, weighing twenty-two ounces, and a piece of salt meat, eighteen ounces in weight,

which constituted the whole of a day's rations for a mess. The prisoners were all divided into messes, and, consequently, all fared alike. Mr. Robinson says: "I have often seen the men, returning from the prisoners' grave-yard, where they had been, in squads, to fix up the graves of the dead, carrying rats. I asked some of the soldiers what they did with them, and was much surprised when they told me they ate them. I have also heard it said that it was all up with any *little dog* that strayed into the prison enclosure, as he never came out alive." Such was the desperate strait to which they were reduced — a fact corroborated by other testimony in possession of the author, but which does not bear upon our narrative. Some excitement was caused, about this time, by the attempt made by some of the prisoners to effect their escape. They were all recaptured. The few who, for a while, did succeed in eluding the vigilance of the guards, being unable to leave the Island, were compelled by hunger to surrender themselves.

The prisoners whiled away many weary hours of their captivity by making fans of wood, finger-rings of gutta-percha, and other trinkets.

A short time after Mr. R.'s return to the Island, an order came to release all the prisoners of war who would take the oath of allegiance. This order not applying to Mr. R., who was regarded as a state prisoner, but whose position was never definitely understood, he was placed in close confinement, to prevent his escape, while the Rebel prisoners were being discharged. He had for companions five incorrigible prisoners of war, who had refused to take the oath.

While on the Island, a number of boxes, containing clothing and bedding, were sent to him from friends at home, amounting, in the aggregate, to four hundred dollars, none of which ever reached their consignee. Whatever became of them, he has been unable to ascertain, all searches having proved futile. He continued on the Island, after the removal of the other prisoners, until the following September, when, in company with the five Rebel prisoners who had refused to take the

vath, he was sent to Fort Lafayette, and confined in dungeon No. 1, which had previously been prepared for the reception of Jefferson Davis. Subsequently, he was transferred to No. 3, described in the narrative of Dr. Olds. Here he remained until the 9th of February, 1866, when he was unconditionally released, without having had a trial or a charge preferred against him. It was afterward alleged that he had been detained as a witness, but against whom, he knew not, nor does he yet know.

When his case was brought by his friends to the notice of President Johnson, the latter remarked that he thought that he had been discharged long ago, as there were no charges on record against him.

During his unjust incarceration on Johnson's Island, and while he was suffering much in bodily health, his sister visited Washington, solicited and obtained an interview with Secretary Stanton, and endeavored to effect his release, and to have her husband, who was confined at Andersonville, exchanged. The Honorable Secretary replied in such brutal and unfeeling terms in regard to both, that the lady retired in tears.

After seventeen months and twenty days of incarceration, this gentleman was again permitted to enjoy the blessings of home, friends, and FREEDOM.

JOSEPH C. WRIGHT, Esq.

JOSEPH C. WRIGHT, Esq., is a native of Pennsylvania, having been born in Philadelphia in the year 1809, and is the grandson of Thomas Wright, who resided at Camden, N. J., and who took a conspicuous part in the Revolutionary War. He removed to the State of New Jersey in 1819, but after his majority, having become a civil engineer and contractor, did not reside permanently in that State until 1855. He was a heavy contractor, and was connected with the principal internal improvements in Pennsylvania, Ohio, and Virginia, in which States he resided during the progress of the various works which he constructed. His association with the leading men of the country, and his firm adhesion to the principles of the Democratic party as taught by Jefferson, his fine conversational powers, his genial manners, his great store of information, and his liberality, called around him a host of friends who sought his society.

On the 19th day of August, 1862, about one o'clock P. M., he was arrested at his residence in the peaceful town of Milford, Hunterdon county, N. J., without any preliminary warning, by a military force under the command of Deputy United States Marshals A. R. Harris and G. Dean, and immediately placed in a wagon, which was driven off to Frenchtown, four miles distant, where he was thrust into an upper room of one of the hotels of that place, and there guarded by these armed men until the hour of the arrival of the train for Trenton. When he was placed on the train, he inquired the cause of his arrest, and by what authority peaceable citizens were so arrested. He was informed, when he would arrive at Trenton he would be told why he was arrested and be shown the warrant. When he arrived at

Trenton, then the evening, he again demanded to be shown the process by which he was dragged from his home, his family and friends. This was still denied him, but with the promise that when he reached Mount Holly (the county-seat of Burlington county, N. J.), it would be read to him.

When he thus compulsorily arrived at Trenton, he was purposely kept from all public places or hotels, and secretly hurried, under guard, to a place where private meals were furnished, and given his supper. After remaining there during the space of two and a half hours, he was placed on the cars for Burlington, and on his arrival there was transferred to a hack and carried to Mount Holly, which place he reached at eleven o'clock, P. M. On his way thither he was, for the first time, informed that the jail was his destination.

Here he was given in charge of the turnkey of that establishment, who placed him in a cell and locked him up for the night. To a man like Mr. Wright, whose hospitality had always been unbounded, it may well be imagined that during that night there was "neither sleep for his eyes nor slumber to his eyelids." He had never known before there was such a place in existence, in any land, in which to incarcerate white men. There was in it nothing but a straw tick — no covering — and the whole cell swarming with vermin. At six o'clock in the morning the door of the cell was unlocked, and he turned out into the yard in company with negroes, horse-thieves, robbers, and Jackaloo, the murderer. His condition was improved the next night by being given a better cell and bed.

After being in Mount Holly jail ten days, orders were received there to send him to the Old Capitol Prison, Washington City. On his arrival there he was immediately furnished with quarters, notwithstanding that establishment, like the Bastile in Paris during the French Revolution, under the government of Robespierre, Murat, and Danton, was pretty well crammed. Still, it was never full. There was always room for more. It is unnecessary to describe his treatment while in the Old Capitol, as the treatment of

all the prisoners is fully detailed elsewhere. He was confined in the Old Capitol eight days, and on the morning of the ninth day, through the interposition of friends who sought his release, he was approached by the corporal of the guard, and notified to pack up his baggage — which was rather amusing, as the prisoners were allowed no baggage — and report to Lieut. Miller. He was then conducted by the guard to the office of the lieutenant, who informed him that his brother was waiting for him on the outside of the building, and that he was at liberty to pass out, which he most gladly did; not forgetting, however, first to obtain permission to bid "good-bye" to his friends and fellow-prisoners. This was granted him, but with the injunction that he should bring out no letters with him, as they were contraband matter. This mandate he obeyed. Although it was a sad "farewell" with those he left behind him, still, in anticipation of once more enjoying the society of his family and friends, and the hope of personal and constitutional liberty, he cheerfully bade adieu to the precincts of the Old Capitol.

No charges were ever preferred against Mr. Wright, although he demanded of Judge-Advocate Turner who were his accusers, and what were the charges against him. After his release, he understood he was arrested and incarcerated so that he might not interfere in favor of the nomination and election of Joel Parker as Governor of New Jersey.

Mr. Wright now resides at the beautifully-located village of Frenchtown, situated on the banks of the Delaware, in the full enjoyment of the society of his friends and neighbors.

HON. WILLIAM M. GWIN, HON. CALHOUN BENHAM, AND ROBERT J. BRENT, ESQ.

ARBITRARY arrests and imprisonments, during the late civil war, were more the offspring of political animosities than any service that could be rendered, thereby, for the good of the state.

It was not *pro bono publico*, but "*I will have vengeance*," saith Mr. Secretary Seward. A more unscrupulous, vindictive, and revengeful Secretary, perhaps, never occupied a similar position. Lord North was a model in comparison. Jeffreys, in a different sphere, perhaps an equal, when sustained by arbitrary power. Jeffreys and Seward — both moral cowards.

Secretary Seward, when surrounded by power, was as cold and "irrepressible" as the frigid climate of Auburn in January — not, indeed,

> "Sweet Auburn! loveliest village of the plain,
> Where health and plenty cheered the laboring swain;
> Where smiling spring its earliest visit paid,
> And parting summer's lingering blooms delayed" —

which the warm-hearted, genial Goldsmith so pathetically tells us about; but the Auburn *where* Mr. Seward resides — and *where* he recently told the American people "great crimes had been committed in the name of liberty," and *where* his future reflections will be refreshed by the recollections of the past.

From the facts at our command, we cannot give a better history of the arrest, imprisonment, and release of the above-named gentlemen, than that by Mr. Geo. D. Prentice, of the "Louisville Journal."

Mr. Prentice says:

"I have some peculiar reminiscences connected with Fort Lafayette. In 1861, three distinguished gentlemen — Hon. William M. Gwin, who had served many years with distinction in the Senate of the United States; Hon. Calhoun Benham, who has been United States District Attorney in California; and Mr. Brent, who had been a prominent lawyer in Baltimore, and was then a very prominent lawyer of California — embarked on a steamer for some point in the East. General Sumner was on board the same steamer. When she was near the Isthmus, the General made them his prisoners He simply deigned to tell them that he arrested them on suspicion that they were intending to fight against the United States, a suspicion perfectly preposterous in the case of Dr. Gwin, who was an infirm old man of about seventy years. When they demanded the ground of his suspicion, he only answered that he entertained it, and was only responsible to the Federal Government; and Mr. Seward, Secretary of State, ordered them, without an interview, to Fort Lafayette.

"As one of these prisoners was my near and very dear relative, I hastened to Washington to procure their release. I had written and telegraphed earnestly to the President for the release of Governor Morehead, Mr. Durrett, and others; but when a member of my own family was a victim of oppression and tyranny, I felt that I should give my personal presence to the effort for deliverance. I arrived at the capital long after dark, and called immediately upon Mr. Lincoln. He received me with the greatest cordiality and geniality, although he gently intimated that he rather thought that I had been a little unjust to him. I asked him for the discharge of the three Fort Lafayette prisoners — Gwin, Benham, and Brent. He inquired what were the charges against them. Of course, I told him that I didn't know, and suggested whether it was n't more his business than ours to know. He answered, 'Well, I don't know about these things, but I am disposed to do what I can for you, and will give you a letter to Seward.' I took the letter, and called at Mr. Seward's office the next morning. The distinguished Secretary received

me with his accustomed amenity, but, in regard to the matter in hand, talked quite diplomatically. It was about my first experience of a regular diplomatist's conversation. I didn't much admire or understand it. Mr. Seward invited me to take tea with him in the evening. I did. After tea, I renewed my application for the release of my friends, and argued the matter as well as I could. He had only this reply to make: 'I am considering the matter, and I shall be very glad to see you at tea, or breakfast, or dinner, every day, and we will talk the subject over.'

"One evening, when I had been about four days in Washington, I ventured to urge my request very strongly upon the Secretary, and he said: 'Call at my office to-morrow morning, at half-past ten o'clock, and I will give you an order for the release of your friends.' Of course, I was punctual to the minute. 'Fred,' said he, addressing his son, and Assistant Secretary, 'give Mr. Prentice the document I directed you to make out.' The Assistant Secretary placed it in my hands. I read it. It was not an order for the discharge of the victims. It was only an order that I should have the privilege of seeing them in their prison, when I pleased. 'Why, Mr. Seward, this is not what you promised me yesterday.' 'No, it is not, but I specially desire that you go to New York and talk with your friends, and ascertain their feelings and intentions, and report to me.' I told him, in terms a little brief, possibly, that he certainly could not expect me to visit my friends in prison, and enter into a conversation with them as a Government spy. 'Well,' he said, 'do me the favor to go and see them, and write to me as you like.' I said, 'Yes.' I went, and wrote to him every day as strongly as I could in favor of the release of the prisoners. My first three letters were unanswered. In reply to the fourth, I received a dispatch saying that my friends were 'paroled to Washington for explanation.' Of course I considered that dispatch as implying a discharge. I went immediately with Dr. Gwin's wife and daughters to Fort Lafayette, exhibited the order to the prisoners, and advised

them to proceed to Washington immediately. 'Go with us,' said they. I told them that it would be exceedingly inconvenient for me to go with them. They were apprehensive of deceit and treachery. 'Go with us,' said they, 'or we will not go.' I went with them. On arriving at Washington, I called upon Secretary Seward in their behalf. He required that they should either take a certain obnoxious oath, or be remanded to prison. I asked them what they would do, and they agreed that, as there were no charges against them, and as they had committed no crime, they would sooner go back to their Bastile than take any oath. All my appeals to the Secretary were of no avail.

"Then my appeal was to President Lincoln. At my second interview with him, he said, 'I will set your friends free. They may go as much at large as any other citizen of the United States.' I asked him if he would grant them permission to go to Europe. He replied that none of our people had the right to go to Europe without passports, not even himself, and that therefore he could not give passports, but that my friends should be just as free as he or any other man under the Government, to go and come at pleasure. I requested him to put this declaration in writing. He said, 'No, it is a very delicate subject, and Seward will be very mad about it. I will not touch pen to paper in regard to it. Tell your friends what I have told you, and tell them further, that I shall be glad to see them.' All of them, I believe, called upon him and expressed their thanks, though whether thanks were due, under all the circumstances, is, I think, quite a question.

"In 1866, Dr. Gwin, who had not taken and could not have taken any part in the war, went from this country to Mexico for his own private purposes, whatever they were, and I have reason to know that they were right and proper. He went and took others with him to make money, but, on account of the miserable condition of Mexican affairs, they failed. Dr. Gwin came back to the United States in the full consciousness of right and the expectation of safety. He had

done no wrong to others, and he anticipated no wrong to himself. But upon his arrival within the Federal lines, then kept up for no useful or proper purpose, he was snapped up on not even a pretext, and thrust into Fort Jackson, below New Orleans. Several of his friends were thrown into Fort Jackson with him. They were kept there for many months. They were kept incarcerated, but perhaps not very badly used. I went to Washington to get them discharged, and succeeded, although in opposition to all the diplomatic efforts of Secretary Seward in the opposite direction. And in the interview on that occasion, Mr. Seward had the very intense coolness, fifty degrees below zero, the point of the thermometer where the mercury freezes, to say to my face that *he* was the man who had discharged my three friends from Fort Lafayette, and given them all their subsequent liberty."

Duplicity may deceive the uninitiated. It may do to impose on the more generous feelings and inclinations of the American people, who have been accustomed to be governed by sincerity and truth; but our Government is too old, *though young*, to allow a Secretary, however unscrupulous, to continue long to trample upon the rights of the people.

In the madness of the hour, force may overcome judgment and integrity, but the *quietus* is affixed to him who, in the Utopian visions of power, attempts to abridge the liberty of the citizen.

Those who are his superiors in statesmanship and justice, will expose the nefarious design, and consign to the shades of a nation's forgetfulness him who, under the garb of "political necessity" or *pseudo*-philanthropy, wishes to hold the reigns of political permanence at the cost of the liberty of the citizen.

> "Ye friends of truth, ye statesmen who survey
> The rich man's joys increase, the poor's decay,
> 'T is yours to judge how wide the limits stand
> Between a splendid and a happy land."

ROBERT W. NEWMAN.

PROFESSOR ROBERT W. NEWMAN is descended from one of the oldest families of Virginia. His grandfather, Robert Newman, served with distinction in the army during the Revolutionary War, and was honorably discharged. His father, Catesby Newman, was a soldier in the American army during the last war with Great Britain. Robert W. Newman, the subject of this sketch, was born and educated in Virginia, and, shortly after his graduation from college, was made Associate Principal of the Winchester High School, in that State, which position he occupied for two years, and then became proprietor and principal in the Winchester Female Seminary, in September, 1855.

In April, 1858, he was elected Principal of the Harford Academy, the State institution, located near Baltimore, Maryland, which position he retained until July, 1864, when, owing to the deplorable condition into which the society of the Border States had been thrown, he yielded to the importunities of his family, and removed to New York. Deeming the unhappy state of affairs likely to last for years, he established himself in Peekskill, in the State of New York, in January, 1865, where he has since resided.

His arrest took place at Belair, near Baltimore, in the latter part of June, 1863, and was made by Lieutenant Offley, at the head of a detachment of Delaware cavalry, stationed in Baltimore, and commanded by the notorious Colonel Fish, then acting as Provost Marshal of the city. The same individual was afterward convicted of defrauding the Federal Government in contracts for supplying horses, and sent to the Albany State Penitentiary to expiate his crime. Prof. Newman's arrest was made by the Lieutenant, without a

warrant or any formula of law, other than such as he was invested with by the orders of Colonel Fish.

The prisoner was forced from his house before daylight, taken to the County Jail, and there confined for several days, without chair, table, or bed, the necessary conveniences that are furnished even to a culprit. He was treated as a condemned felon, or even worse. After much pleading, his family were permitted to furnish him with a bed and provisions, while confined in the jail. Thence he was taken, under an escort of cavalrymen, to Havre de Grace, about twenty miles distant, to which place he would have been compelled to walk, but that the humane Offley, after much persuasion, permitted him to obtain a conveyance, with the express stipulation that he should pay for it himself.

Arriving there, he was thrust into a guard-house, with the most abject specimens of humanity, and there compelled to remain two days and nights, and partake of the miserable rations furnished to them; and worse than all, to sleep upon a floor, the stench from which was scarcely endurable.

From Havre de Grace, he was taken by rail to Baltimore, and placed in close confinement in the Gilmor House, which was formerly used as a hotel, but then the headquarters of Colonel Fish. Here he was treated with the utmost rigor, and subjected to all the privations and petty tyrannies that the ingenuity of the Marshal and his officers could invent. Unfortunately for the honor of the Federal Army, it was disgraced by too many such officers as assisted Colonel Fish in his nefarious work.

After the excitement incident to the Battle of Gettysburg had subsided, part of the prisoners were transferred to Fort McHenry, in the harbor, and the remaining few, including the Professor, were permitted to provide—at their own expense—food and bedding, and thus in a manner to mitigate their sufferings. Those who have never been deprived of their liberty, or felt the restraints of a prison, have no adequate conception of the sufferings endured by those who, be it remembered, were refined and cultivated gentlemen, mostly

from the higher walks of life, and who were especially sensitive to the treatment which they received at the hands of the officers in charge. The treatment imposed on prisoners of state could have had but one object, and that was, to destroy their manly bearing and self-respect, which it was thought would, ever after, deter them from expressing their views concerning any act of the Administration, no matter of how violent or heinous a nature it might be. This object was steadily pursued in the majority of cases, and was made particularly severe in case the victim was a man of more than average intelligence or influence.

In the latter part of July, 1863, after about a month's imprisonment, Professor Newman was released, and in his case, as in thousands of others, no charges were preferred against him. During the period of his incarceration his property was injured, and his library and apparatus at the Harford Academy were partially destroyed or carried off by soldiers, urged on to this deed of vandalism by some of the "trooly loil" gentlemen of his community, who were carrying out their Master's precept: "Whatsoever ye would that men should do to you, do ye even so to them."

HON. BUCKNER S. MORRIS.

JUDGE BUCKNER S. MORRIS, whose unjust imprisonment and suffering, together with his trial before a Military Commission, in Cincinnati, during the winter of 1864, and which created so much excitement throughout the country, and particularly in the West, is sixty-eight years of age. He was admitted to the bar in 1827, and subsequently served several years as a member of the Legislature of his native State, Kentucky. In 1834, he removed to Chicago, Illinois, then a small village of about five hundred inhabitants. Here he opened an office, and soon became widely known as an eminent legal practitioner. In 1851, he was elected Judge of the Seventh Judicial Circuit of Illinois, which position he filled with marked ability until 1855, when he declined a renomination on account of failing health. He then retired from public life, and sought to restore his health in the quietude of his home.

In the contest for the United States Senatorship, in 1858, between Stephen A. Douglas and Abraham Lincoln, Judge Morris and his friends lent the weight of their influence in favor of the election of Douglas, who was returned to the Senate. During the exciting times of 1860, Judge Morris permitted his name to be used as a candidate for the Governorship of Illinois, on the Bell and Everett National Union ticket, hoping thereby to defeat the sectional Republican ticket, the success of which then threatened civil war. Judge Morris and Mr. Lincoln were personal and political friends for more than twenty years. They served together in the Whig party as Electors at large, during the Harrison campaign of 1840. But after Mr. Lincoln became the advocate

of Abolition principles, their political and social fellowship ceased.

In 1861, when civil war burst like a storm over the country, when the soil became deluged with the best blood of the nation, when the maddened people of both sections were applying the knife to the throats of their brethren, the Judge was solicited to take an active part in the contest, but declined to do so, continuing to devote his time to his profession and his own private business matters, in and out of court.

In the fall of 1864, Colonel Sweet, commandant at Camp Douglas, who desired to be brevetted a brigadier-general, together with one or two candidates for office, confederated together for the purpose of gaining notoriety. They conceived the happy thought, the execution of which being popular among the people, would give them the desired influence, and at the same time assist their master. The arrest of a number of Democrats was then determined on, to demoralize the party, and deter hundreds of others from voting.

Accordingly, at 2 o'clock A.M., on the 6th of November, 1864, the day before the Presidential election, Judge Morris and a number of others were severally taken from their beds by military force, and conveyed to Camp Douglas. The cells in which they were placed were damp, filthy, and literally swarming with vermin. Here the Judge remained until the return of Captain Sheerley from Buffalo, N. Y., who (as the Judge was informed) caused his removal to a much better and cleaner room, near his headquarters. In the early part of December, his wife, Mrs. Mary B. Morris, was also arrested by a captain of the Invalid corps, and brought to Camp Douglas. By the kindness of Captain Sheerley, they were given a room at his headquarters, and permitted to furnish their own bedding and furniture.

Here, they remained incarcerated until the 23d of the same month. They were then removed, in company with eight or ten others, to Cincinnati, Ohio, for trial, some three hundred miles from their witnesses, friends, and homes, and in viola-

tion of the laws of the land. They arrived in Cincinnati on the coldest day of the season, and were forced to ride for several hours up and down the streets of that city, until the officers decided where to imprison them. As their arrival was unexpected, no place had been prepared for them. Finally, after much deliberation, the benumbed prisoners were lodged in prison at the McLean Barracks. Here their treatment by the officers was insulting and disgraceful in the extreme, as will be seen by reference to the narrative of Mrs. Morris, given elsewhere.

Soon after their arrival in Cincinnati, two or more friends of Judge Morris and his wife, in that city, proposed to Major-General Hooker, then in command, to take charge of them, and put them in a hotel, where they might be supplied with necessary comforts, free of expense to the United States Government; and, as security for their forthcoming to answer any charges that might be brought against either, these friends offered to pledge fifty thousand dollars each. This offer was refused. Judge T. W. Bartlett also offered to take the Judge and his wife to his own house, in the city, and keep them safely, subject to the orders of the commander, which was also declined.

General Willich, second in command, more humane than his superior officer, signified his assent to either proposition, as the Judge was informed.

Early in January, 1865, eight of the prisoners, including Judge Morris, were placed on trial before a Military Commission. They were charged with:

1st. "*Conspiring, in violation of the laws of war*, to release the rebel prisoners of war confined by authority of the United States, at Camp Douglas, near Chicago, Illinois.

2d. "Conspiring, in violation of the laws of war, *to lay waste* and *destroy* the city of Chicago, Illinois."

A specification was added to each charge.

The prisoners all filed pleas, denying the *jurisdiction* of the Court to try them.

Protesting their innocence, they argued:

1st. "That the defendants, being citizens of the United States, and not connected with the military or naval service of the United States, are entitled to be tried by the United States Court of the Northern District of Illinois.

2d. "That, as the offences, alleged to have been committed in the charges and specifications, are not infractions of any of the rules and articles of war, but fall within the provisions of the act of Congress of July, 1861, this tribunal cannot legally take cognizance of the case.

3d. "That, according to the second section of the act of Congress of March 3, 1863, authorizing arrests by the military authorities in States where the administration of justice in the civil courts is not impaired, these defendants should be tried by a civil, and not by a military tribunal.

4th. "That this Military Commission is not authorized or provided for, by any power in the country, except by the army in the field, and there is no rule or custom providing what punishment shall be inflicted. It cannot be claimed that this Commission is a matter of necessity, as the civil courts of the land are open.

5th. "That, from the nature and manner of the proceedings of this Commission, a fair trial cannot be had, as the Judge Advocate stands as accuser of the defendants, and must necessarily be prejudiced against them."

This plea being overruled, they then moved for a separate trial, which was denied them.

The prisoners then pleaded — *not guilty.*

The trial lasted some four months. During the most of this time *the prisoners were chained in pairs, and so marched up and down the streets, to and from the Court*, until the public began to complain of such barbarous treatment.

The shackles were then thrown aside. The trial did not close until after the assassination of President Lincoln, which the Judge Advocate (Burnett) used with great force against them, charging the prisoners with being more or less the cause thereof. After a confinement of six months they were found *not guilty*, and discharged from military custody

Judge Bartlett, in closing his remarks before the Commission, said: "My client, Judge Morris, is a man advanced in years. It is not pretended that he had ever been governed by any malevolence of heart, enticements of ambition. or allurements of power. He commenced life before either you or I came on the scene of action. He has labored in all sincerity to maintain and perpetuate what he conceived to be the true principles of government, and for the advancement and prosperity and safety of the country.

"His character, both in public and private life, is shown to have been without a blemish. Ardent, sincere, humane, and hospitable, he had the confidence of the enlightened and well-disposed men of all parties. The testimony of Judge Drummond, and others, puts to blush the narrow, grovelling notion, that a citizen cannot be a true or loyal man in time of war, unless he advocate and sustain the peculiar war measures and policy of the Administration in power. Every member of this Commission, every man who has heard the evidence, knows that Judge Morris has been guilty of no crime."

Mr. Dawes, of Massachusetts, when speaking of military courts for the trial of civilians, said: "They have lost sight of the guarantees of the Constitution, and seem to forget that every man has a right to trial by jury. They seem formed to convict, whether a man be guilty or not, so that he who is acquitted by them, must be not only pure indeed, but above suspicion. We are told that 'arbitrary power sucks out the heart's blood of civil liberty.'"

Senator John P. Hale, of New Hampshire, in addressing the United States Senate, used the following powerful language: "If trial by *jury* is overthrown in this country, then take the rest. If you are going to throw a *drag-net* over the land, as they did in Chicago, if you are going to bring in this whole people, and subject them to the penalties that may be inflicted by military commissions and courts martial, then the *last step is taken in the humiliation and degradation of this country*, and we shall be left fit instruments for any despotism that the bold and lawless may think proper to establish over us."

AARON MORTON, JACOB G. PECK, BENJAMIN H. MARKLEY, AND HENRY LYNCH.

AARON MORTON, a citizen of Maytown, Lancaster County, Pennsylvania, is a brickmaker by occupation. At the commencement of the late civil war, he volunteered as a private in Company A, 10th Regiment, Pennsylvania Volunteers, in response to the first call of President Lincoln for troops. He served his time faithfully, and was honorably discharged. During the summer of 1864, Mr. Morton was drafted, but in common with several others — both Republicans and Democrats — failed to report at Lancaster city, in answer to his summons. Subsequently his township (East Donnegal) filled its quota with recruits, thereby exempting its drafted men.

He remained at home, "pursuing the even tenor of his way," until Monday, November 7, 1864, when Deputy Marshal Carpenter, of Lancaster, aided by two soldiers, arrested him. The Marshal said that he must accompany them to Marshal Stevens's office, in the above-named city. Morton demanded his authority for making the arrest, and further inquired the nature of the charges against him. The Marshal failing to produce any warrant or authority, Morton denied his right to drag him from his home. Carpenter insisted that his being an United States Deputy Marshal gave him sufficient authority to make the arrest, and forced him to comply with his mandate. Morton accompanied him peaceably, but under protest. On arriving at Provost Marshal Stevens's office, in Lancaster, he was placed under a guard, and removed thence to the County Prison. While there confined, he was offered convict's fare, bread and water,

but declined it, and paid the usual charges for board. The jailer afterward remarked: "That is the place where all Democrats should be." He subsequently inquired of the prisoner if, on his procuring his release, he would vote the Republican ticket. Mr. Morton indignantly spurned the proposal, and remained in prison until the 10th inst., when several of his friends demanded his release, or a hearing. Stevens feigned ignorance of his arrest, and ordered his immediate discharge. When the prisoner was brought into his (Stevens's) office, the Marshal simply said, "You can now go home, we have nothing to do with you." Carpenter then turned toward Mr. Morton and remarked, that "if he had no money he could walk to his home," (sixteen miles distant,) "as it was not very far."

JACOB G. PECK.

Jacob G. Peck, a fellow-townsman of Mr. Morton, was sought for on the same day, but was not at home, and thereby escaped a few days' incarceration; it not being the intention of those in authority to hold them longer than a few days, as will be seen in the sequel.

BENJAMIN H. MARKLEY.

Benjamin H. Markley, of the same place, while in the act of voting at the Presidential election, on Tuesday, November 8, 1864, was touched on the arm by Deputy Marshal Middleton Whitehall, and claimed as a prisoner. The Marshal was anxious to hurry him away from the polls, but was prevented, he being unable to show any authority for the arrest. After Markley had voted, Messrs. George Wilson, Henry Haines, Henry Houseal, and other old and respected citizens, requested Whitehall, if he had authority for making the arrest, to take the prisoner with him, and assuring him that he should not be molested in the execution of his duty. This offer he declined, and left the town shortly afterward.

The constable of Maytown, in his next return to the Court at Lancaster, reported a disturbance of the peace at the elec-

tion polls in Maytown, on Tuesday, November 8, 1864, by Middleton Whitehall. But when the charge subsequently came before the Grand Jury, the bill was *ignored;* thereby sustaining men in committing outrages in direct defiance of the laws.

HENRY LYNCH.

The fourth case we have to chronicle is that of Henry Lynch, of Marietta. He was arrested by Carpenter, on the same day, and for the same purpose as the others. He was charged with being a deserter, which charge, unsustained as it was, furnished the necessary excuse for his arrest. He was conveyed to Lancaster and incarcerated with Mr. Morton in the County Prison, where he remained until the 10th, when he was released unconditionally. Nothing was afterward said to him about being a deserter. The charge had answered the purpose of his arrest, and that was sufficient for the perpetrators of the outrage.

These premeditated arrests had but one direct purpose — to prevent citizens from voting. These were but the victims of the executed portion of a plot for the arrest and imprisonment of a number of other citizens named on the proscription lists. These gentlemen were known to be staunch and sterling Democrats, and so determined was the Marshal to serve his master, that no step was too vile for him to take in order to accomplish his end. His little soul being unable to conceive of any other method, he determined to deprive the above-named gentlemen of their votes, by arresting and imprisoning them, until after the election. But "time, that makes all things even," vindicates the innocent, rewards the persecuted, and inevitably punishes the persecutor.

HON. HENRY CLAY DEAN.

HON. HENRY CLAY DEAN, whose arrest and scandalous treatment we are about to chronicle, resides at Mount Pleasant, Iowa. He is a lawyer by profession, but more recently has earned considerable reputation as an author. In politics, he is a staunch but conservative Democrat. In 1863, at the earnest solicitation of friends, he concluded to address the people of his State on the issues of the hour, and endeavor, if possible, to stem the torrent of fanaticism then sweeping over the State. He, at various times and places, with a calm and temperate spirit, yet with the boldness of a freeman, discussed the questions which were then shaking the very foundations of the Union, and disrupting and demoralizing society.

He had been preceded by weak, wicked men, who were stirring up strife as a daily avocation; thirsting for blood; retailing, with insane satisfaction, the details of some late murder, some heart-rending catastrophe, or savage slaughter of innocent children. They had learned themselves, and were teaching others, to laugh at the conflagration which laid cities in ashes. They felt that nothing had been well done where the black visage of war had not gone, or the track of the bloody foot of desolation had not been well imprinted. Fury seemed to have become a virtue among those who should have been most calm. Violence was the watchword of those whose avocation was to teach meekness as a law of life, and love as the only preparation for the world to come.

Ministers of the Gospel of Peace were teaching such lessons of cruelty, in such a spirit of violence, and in such language of intolerant malice, as made the ordinary mind, yet retaining self-control, grow sick. Judges of courts, whose duty it

was to keep the peace, in open defiance of the obligations of their oaths of office, in contempt of the long-established conservative character of the honorable profession in which they were educated, and to the great scandal of the ermine, went into the rural districts during the current session of their courts, and delivered harangues, appealing to the basest passions of human nature, encouraging crimes most obnoxious to the laws of the country, and indulging in language well calculated to light the whole land in a blaze of furious, endless lawlessness and civil war. Yet, in addressing the people, Mr. Dean found that, underneath all this party bitterness and strife, which were but momentary, there was a flood of good feeling, as pure as the waters that gush from beneath the Alpine mountains of perpetual snow. The masses of the people still loved each other, but were misled until their passions were hot as the burning sand, and explosive as gunpowder. When he spoke of renewing old neighborhoods, reviving Christian fellowship, and cultivating brotherly love, cheering smiles would play upon their faces, wild huzzas of good feeling would break forth from their manly lips, and tears would sometimes drive each other down their sunburnt cheeks, as they prayed the sweet spirit of Friendship to return, the Angel of Mercy to banish the Angel of Death, and the Genius of Christianity to again assert her supreme sovereignty over society — over our divided, distracted, and wellnigh ruined country.

In these actions, in these speeches, consisted his offence. The leaders of the Radical party in the State determined to give him a *quietus*, regardless of consequences, and only waited an opportunity for executing their lawless desire for vengeance. The opportune moment for the gratification of their fiendish desire at length arrived. In May, 1863, he was arrested at Keokuk, while on his way from Quincy, Illinois, to Keosauqua, Iowa, to attend a meeting of the Democratic party. Mobocracy had run riot in Keokuk for many months, under the auspices of the officers commanding the post and having in charge the medical department. He had to pass

through Keokuk to reach the cars. Before he landed at the wharf, he learned that the "Gate City," the only paper published in Keokuk, had demanded his arrest. Nearly every Puritan paper in the State had joined in the general howl. The tone of the press was like the bulletins issued in the dark alleys of Paris, or the handbills posted on the front of the buildings early on each morning, containing the death-warrant of some intended victim of assassination, in the most terrible days of the French Revolution. This issue of the paper was but the foreshadowing of the intention of *malignant* citizens of Keokuk. All the details of his arrest are not proper for the public eye.

His arrest was agreed upon as soon as his name was registered at the Billings House. Mr. D. was then, and is now, unconscious of having ever wronged or justly incurred the ill-will of any human being in that city, from any cause whatever. He called to see the Hon. J. W. Clagett, on business, and, while sitting on the porch with the Judge, saw a crowd approaching, who inquired for him, calling him by name. Instinctively aware that he was about to be arrested, he did not call in question their authority, for the following reasons:

First. Every soldier is under a most solemn oath, and a very severe penalty, to obey the articles of war, which forbid anything like the semblance of a mob.

Second. Every officer is held responsible for the discipline and conduct of his soldiers, and whenever soldiers become a mob, or engage in a mob, the officers are either corrupt or imbecile.

Third. A young man by the name of Ball, while in the office of the Provost Marshal, informed him, with the grin, and very much the tone of a Sioux Indian, that he 'wanted the boys to take their satisfaction out of him,' and that he now arrested him in due form, and accordingly handed him over to the Sergeant of the provost guard.

After his arrest at the house of Judge Clagett, Mr. Dean was placed in the front of the crowd, with a low-bred, insolent

man, who commenced asking him offensive questions, of which he took no notice. After hurrying him through several streets, a hollow square was formed, where he was taunted, threatened, and insulted, for a full half-hour. He was graciously informed that death was entirely too mild a punishment to be administered to a "Copperhead," who, in the choice language of their newspapers, was foolhardy and demented enough to venture through Keokuk.

The soldiers were all strangers to him, and were led on and prompted to their action by the Puritan clique, who had an unsettled account with him for some candid talk about the year 1860, when he was a candidate for Elector of the State at large, on the Democratic ticket, headed by the name of Judge Douglas.

These benevolent men thought Nature at fault, that she had not endowed him with at least four separate and distinct lives, that each of them might be entirely gratified in having him put to death in his own choice way. On the outside of the crowd there stood a merchant of thin visage, sharp nose, red head, and exceeding thin lips, who cried out, at the top of his voice, "He ought to be drowned, seeing the Mississippi is so close at hand," when there went up a yell of "*Drown him!*" "DROWN HIM!" "DROWN HIM!" Another of the malignants spoke up and said, "Drowning was entirely too easy and speedy a death for a Copperhead;" and cried out, "*Hang him!*" "HANG HIM!" "HANG HIM!" Still another commenced, and the cry went up, "*Shoot him!*" "SHOOT HIM!" "SHOOT HIM!"

A fourth, with the murderous laugh of a Pawnee, said, "Burning would better measure out the allotted punishment, lengthen the scene of enjoyment, and minister more thoroughly to the gratification of the executioners." This gentleman found no response; his humanitarian idea evidently being in advance of his coadjutors. Every manner of insult and opprobrious epithet was used to jeer, mortify, and offend.

After being thus brutally treated, Mr. Dean addressed the crowd for a few minutes, and informed them that he had

been sick for nearly a week, was then taking medicine, and desired a place to be at rest.

After much parleying, whooping, yelling, and coarse insult, he was marched down to the office of the Provost Marshal, and there commanded by the young man, Ball, to strip himself stark naked, which he had to do, in the presence of a large crowd, and to remain in that condition for fifteen minutes, while his clothes were searched, and each one of the party had taken his full liberty in about the same kind of jesting that had occurred in the street, except that it was coarser and broader in the room. Mr. Dean told Ball that he had understood that he was an officer educated at West Point, from which he inferred that he was a gentleman. Being informed to the contrary, that he was not a West-Pointer, Mr. D. placed it to the lasting credit of that institution.

After he had been allowed to put on his clothes, his carpet-sack was sent for, carefully searched, and his private letters and papers read aloud in the presence of the crowd, open to the inspection of everybody. The letters of his wife, and other papers, were jumbled together, and his knife and other articles taken, which he has never been able to recover.

After all this was over, Mr. Ball sent some one of the crowd to inform the soldiers that he would assure them that Mr. Dean would be severely dealt with, and they were permitted to retire. He was soon lodged in the guard-house, where there was neither chair, stool, nor stand. Sergeant Newport kindly furnished him a cot. One filthy towel was the wiping-cloth of a large body of men, some with diseased and scrofulous eyes. Sergeant Newport, as well as every soldier of the provost guard, treated him with civility, courtesy, and respect, and their actions compared favorably with those of their superior officers.

"I was informed, upon my first entrance into this place," says Mr. Dean, "that the central idea of a military prison is to make it as nearly the very essence of hell as is possible. In this they have made a capital success. The room is about sixteen feet wide by forty-five feet long, with enough taken

off of the side to make room for a flight of stairs. In this room there are fifty men lying side by side. They are of almost every conceivable grade, gathered from every rank in society, and charged with every manner of offence known to the laws of God and man. Some of them, even in sickness, lawless and ungovernable, have been sent in from the hospital, breathing the deadly malaria of all the diseases generated by the vices of the army. The stench of scrofula issuing from their putrid breath, would nauseate the stomach of the oldest Bacchanalian. Another squad, that contributed to the more dense population of the place of this semi-celestial chamber, which is elevated to the third story of a dilapidated store-house in the ragged suburbs of a dilapidated river town, was a body of convalescent soldiers, which has been sent up for mobbing a quiet country gentleman to avenge the malice of a drunken Cyprian.

"In this place there were bushwhackers fresh from the charcoal fields of the guerrilla bands of Missouri, who had stood like hungry hyenas over the dying, innocent victims of their rapacity and lust. On the floor of the farther end of the room lay a gang of rowdies, who were snatched up for infesting a low brothel in the purlieus of the city. Very near them was a group of reckless Rounders, reeking with drugged liquors, infuriated with madness, belching forth oaths, and howling obscene songs, compared with which the jovial scenes of Billingsgate are chaste and modest. This body of ruffians were placed for safe keeping in the guard-house, until the whiskey had died out on their brains, and its putrid fumes began to poison the atmosphere. Intermingled with the others were deserters, escaping the hardships and duties of the armies, together with rebel prisoners arrested on their way back to take up arms against the Government. There are here confined men who had committed rape, horse-thieves, watch-thieves, murderers, and traitors, in a common nest huddled together. To add to the interest of this society, every evening the patrol guard would gather up the beastly drunk and tumble them in.

"At about nine o'clock at night the roll was called, and those most able-bodied and desperate were locked in chains, two together. Then the whole crowd would break out in one long-continued, hideous yell, compared with which the howls of a gang of half-starved prairie wolves are musical and melodious. To add to the attractions of this new habitation, tobacco spittle, the expectoration of lungs half rotten with consumption, the contents of catarrh nostrils, with the spontaneous relief given by nature to drunken men, were indiscriminately scattered over the floor, while every stitch of clothes was literally filled with vermin. And this was the prison into which a free American citizen was placed for daring to be a Democrat.

"For fourteen long and loathsome, dreary days and nights, feverish with loss of sleep, and gasping for breath, I was confined in this nameless place. Sometimes I would go to the window for a draught of pure air, only to catch the flood of dust that swept through the streets, and was breathed in my nostrils until my lungs became so swollen that I could scarcely inhale or exhale the air, and my tongue became so enlarged at the palate that I could with difficulty swallow my food. The prisoners ate after the soldiers, and complained much of their food. I received my meals regularly from a kind-hearted Democratic lady, of great intelligence and worth, whom even mobs could not deter from doing her duty.

"Through the day, the prisoners, to give exercise to their limbs, would romp and play like wild horses, until the building would tremble at its base. The long loss of rest made me faint on each returning evening, for the quiet interval of two hours, from two o'clock till four in the morning, promised the only quiet which could be enjoyed, even for sleep, in this pandemonium.

"These men treated me kindly and respectfully underneath all infirmities and misfortunes. With these poor fellows there was a great fountain of the pure milk of human kindness still flowing, and a tender sensibility, which, when

touched, would break forth in tears, or in tones of subdued affection, for home, and family, and God. I duly recognized their sympathy, and addressed myself to its relief, and spent my time in writing letters for unfortunate husbands to their wives, who were left in cabins without food or raiment, except as it was earned by mothers at the wash-tub, or in the broiling sun. Children wrote to their disconsolate parents trembling on the verge of the grave. A wild, frolicksome fellow, who had grown sad, talked to me of his black-eyed Mary of the frontier, her playful eye, her sweet voice, and the last pledge of love he had made to her before leaving for the wars. When he spoke, ever and anon a tear would sparkle in his eye, and the innocence of childhood arise in his countenance, checked for a moment by his unfortunate condition, as the floating cloud obscures the brightness of the sun. There were other poor fellows, arraigned for grave offences against God and liberty, law and order, whose cases I assisted to prepare for court. There was no amusement other than the place itself afforded. Our only theatrical enjoyment was the outburst of fine Irish wit, refreshed by such whiskey as would never have found a place in Ireland."

This place had a chaplain, of whom the prisoners knew just nothing at all. We suppose him to have been a good, clever, inoffensive man, as innocent of human nature and its wants as an Englishman's mastiff is of the common law of the land. He never spoke to the prisoners of their real spiritual wants, or assisted them in making their condition happier. Yet, like a true Government officer, he drew his salary regularly. Mr. Dean left the place with many kind feelings for the inmates. He tried to impress each of them with the conviction that, while any man may be a prisoner, the prisoner should not forget that he is still a man. Weighing two hundred and thirty pounds, suffocation wellnigh exhausted his strength. At the end of fourteen days, his wife, who is a lady of feeble health, and was then sick, stopped at the Billings House. He obtained a parole of honor to visit her, agreeing

to confine himself to the hotel. During this time the United States Court was in session in Des Moines, for the purpose of finding indictments. Indictments were found against men for various offences. Any kind of indictment would have been a relief to the Puritanical persecutors who were hunting him down. The whole country was raked, scraped, and canvassed by spies, eavesdroppers, and common informers, in the genuine spirit of Titus Oates. Every effort was used —personal spite, political malice, private conversations, newspaper scraps, v itten speeches, political associations, and party antecedents, were all thoroughly examined for treason, sedition, or anything which would implicate his love of country or prove his sympathies with its enemies. But no indictment could be found in a good season for indictments, when one was needed to cover up the wrongs committed against law, order, and decency by his assailants.

This was not the only instance of wrong suffered, nor the only act of violence done in the city of Keokuk. They were frequent and outrageous. The "Constitution" newspaper office was destroyed. Mr. Hoover's store was destroyed in the same way. The private dwellings of a number of Democrats were assailed in the dead hour of night, by the same persons. Houses were ransacked in the same way; and a note was sent by young Ball, giving notice to an officer not to attack a private family until the husband returned.

Mr. Dean had not been in the guard-house seventy hours for exercising the right of free speech, until Governor Kirkwood, Congressman Wilson, and Adjutant-General Baker were posted to speak within hearing of where he was guarded; and Mr. Wilson endeavored to convince the people that all arbitrary arrests were right, and were not of sufficient frequency. It was such passionate harangues that demoralized the army, and, by a strict and fair construction of military law, these men were mutineers; and so long as it was done there was no safety to life, liberty, or property.

Mr. Dean says, "I was in danger at any time of assassination from that class of citizens who incite all the mobs. One

brave soldier told me, during my confinement, that a citizen of Keokuk had offered him *one hundred dollars* if he would assassinate me; and told the soldier that he need never be known in the transaction; that if arrested, he would be acquitted at once; that he might charge me with running guard. The same class of citizens spoke of my assassination in the bar-rooms and elsewhere. Every personal acquaintance among the soldiers, sick, well, and convalescent, treated me with kindness. And of every demonstration against any one, the malignant citizens, the imbecile and corrupt officers were not only negatively, but positively the *acting*, *moving*, *misrepresenting*, *instigating* cause."

On the 11th June, 1863, Mr. Dean was UNCONDITIONALLY DISCHARGED by General J. M. Hiatt, the Provost Marshal, an officer exceedingly tenacious of his rights and duties, and who at no time had shown any disposition to favor or screen him from any testimony that might, in any way, fasten upon him. But it is but just to say that he was in no wise a party to the personal insults offered Mr. Dean, but uniformly treated him with civility.

FRANK KEY HOWARD, ESQ.

IT would be impossible, without extending this work far beyond the limits designed, to give a separate history of each one of the many cases of gentlemen of Baltimore, and from different parts of the State of Maryland, who was arrested and imprisoned.

It will be remembered that the Mayor of the city of Baltimore, the Police Commissioners, the Marshal of Police, members of the State Legislature, and private citizens, not only from that city, but from all parts of the State, were arrested and thrown into prison, by the edict of Abraham Lincoln, and kept there for months, without any warrant of law whatever.

The prerogative exercised by Mr. Lincoln in Maryland, as elsewhere, exhibits an assumption of power *unparalleled* in the history of any country, at any time. For, be it remembered, Maryland was not in a state of revolution or rebellion. Mob law may have existed at times in the city of Baltimore, but did it not exist, at times, *in the city of Philadelphia?* Nor was there any well-founded reason to apprehend that the Legislature of Maryland would pass an ordinance of secession.

Hon. S. Teackle Wallis, a prominent member of that body — and one of the victims of arbitrary power — in a letter addressed by him to John Sherman, Senator of Ohio, says:

"The special session of the Legislature of Maryland, called by Governor Hicks, in 1861, was opened in Frederick, on the 26th of April, in that year. On the next day, April 27, a select committee of the Senate reported to that body an address to the people of Maryland, which, on the same day, was unanimously adopted, and was shortly afterward pub-

lished, with the individual signatures of the Senators, in all the newspapers of the State.

"The principal feature of that address, in fact almost the only purpose of its promulgation, is developed in the following extract:

"'We cannot but know that a large portion of the citizens of Maryland have been induced to believe that there is a probability that our deliberations may result in the passage of some measure committing this State to secession. It is, therefore, our duty to declare that all such fears are without just foundation. *We know that we have no constitutional authority to take such action; you need not fear that there is a possibility that we will do so.*'"

Notwithstanding this enunciation, the Maryland Legislature was suppressed, the members incarcerated, and citizens by the scores throughout the State imprisoned. Therefore, in order to embrace the history of many of the cases of citizens in Baltimore — because they are not dissimilar — in one narrative, we present a most interesting and readable one, from the pen of Frank Key Howard, Esq., a member of the Baltimore Bar.

FORT McHENRY.

On the morning of the 13th of September, 1861, at my residence, in the city of Baltimore, I was awakened, about half-past twelve or one o'clock, by the ringing of the bell. On going to the window, I saw a man standing on the steps below, who told me he had a message for me from Mr. S. T. Wallis. I desired to know the purport of it, when he informed me that he could only deliver it to me privately. As it had been rumored that the Government intended to arrest the members of the Legislature, and as Mr. Wallis was one of the most prominent of the Delegates from the city of Baltimore, I thought it probable that the threatened outrage had been consummated, and I hurried down to the door. When I opened it, two men entered, leaving the door ajar. One of them informed me that he had an order for my arrest.

In answer to my demand that he should produce the warrant or order under which he was acting, he declined to do so, but said he had instructions from Mr. Seward, the Secretary of State.

I replied that I could recognize no such authority, when he stated that he intended to execute his orders, and that resistance would be idle, as he had a force with him sufficient to render it unavailing. As he spoke, several men entered the house, more than one of whom were armed with revolvers, which I saw in their belts. There was no one in the house, when it was thus invaded, except my wife, children, and servants; and, under such circumstances, I, of course, abandoned all idea of resistance. I went into my library, and sent for my wife, who soon joined me there, when I was informed that neither of us would be permitted to leave the room until the house had been searched. How many men were present, I am unable to say, but two or three were stationed in my library, and one at the front door, and I saw several others passing, from time to time, along the passage. The leader of the gang then began to search the apartment. Every drawer and box was thoroughly ransacked, as also were my portfolio and writing-desk, and every other place that could possibly be supposed to hold any papers. All my private memoranda, bills, note-books, and letters were collected together, to be carried off. Every room in the house subsequently underwent a similar search. After the first two rooms had been thus searched, I was told that I could not remain longer, but must prepare to go to Fort McHenry. I went up stairs, to finish dressing, accompanied by the leader of the party, and I saw that men were stationed in all parts of the house, one even standing sentinel at the door of my children's nursery. Having dressed, and packed up a change of clothes, and a few other articles, I went down into the library, and was notified that I must at once depart. I demanded permission to send for my wife's brother or father, who were in the immediate neighborhood, but this was refused. My wife then desired to go to her children's room.

and this request was also refused. I was forced to submit; and ordering the servants to remain in the room with my wife, and giving decided expression to my feelings concerning the outrage perpetrated upon me, and the miserable tyrants who had authorized it, I got into the carriage which was waiting to convey me to Fort McHenry. Two men, wearing the badges of the police force which the Government had organized, escorted me to the Fort. It was with a bitter pang that I left my house in possession of the miscreants who had invaded it. I afterward learned that the search was continued for some time, and it was not until after three o'clock in the morning that they left the premises.

I reached Fort McHenry about two o'clock in the morn ing. There I found several of my friends, and others were brought in a few minutes afterward. One or two were brought in later in the day, making fifteen in all. Among them were most of the members of the Legislature from Baltimore, Mr. Brown, the Mayor of the city, and one of our Representatives in Congress, Mr. May. They were all gentlemen of high social position, and of unimpeachable character, and each of them had been arrested, as has been said, solely on account of his political opinions, no definite charge having been then or afterward preferred against them. Two small rooms were assigned us during our stay. In the smaller one of these I was placed, with three companions. The furniture consisted of three or four chairs and an old rickety bedstead, upon which was the filthiest apology for a bed I ever saw. There was also a tolerably clean-looking mattress lying in one corner. Upon this mattress, and upon the chairs and bedstead, we vainly tried to get a few hours' sleep. The rooms were in the second story of the building, and opened upon a narrow balcony, which we were allowed to use, sentinels, however, being stationed on it. When I looked out in the morning, I could not help being struck by an odd and not pleasant coincidence. On that day, forty-seven years before, my grandfather, Mr. F. S. Key, then a prisoner on a British ship, had witnessed the bombardment

of Fort McHenry. When, on the following morning, the hostile fleet drew off, defeated, he wrote the song so long popular throughout the country, the "Star-spangled Banner." As I stood upon the very scene of that conflict, I could not but contrast my position with his, forty-seven years before. The flag which he had then so proudly hailed, I saw waving, at the same place, over the victims of as vulgar and brutal a despotism as modern times have witnessed.

At an early hour in the morning, and through the day, a number of our friends endeavored to procure access to us, but nearly all failed to do so. Three or four gentlemen and two or three ladies managed to obtain admission to the Fort, and Colonel Morris, the commanding officer, permitted them to interchange a few words with us, in his presence, they being down on the parade-ground and we up in the balcony. Mr. Brown was not even allowed to speak to his wife, who had been suffered to enter the Fort, and could only take leave of her by bowing to her across the parade-ground. About midday, we sent for our clothes, several of the party having left home without bringing anything whatever with them. At 4 o'clock P.M., we were notified that we were to be sent at five o'clock to Fortress Monroe. The trunks of most of us fortunately arrived half an hour before we left, and were thoroughly searched. Had they been delayed a little longer, we should undoubtedly have been sent off with only such little clothing as some of us happened to have brought with us when first arrested. As it was, one or two of the party had absolutely nothing save what they wore. About six o'clock, we left Fort McHenry on the steamer Adelaide. The after-cabin, which was very comfortable, and the after-deck, on which it opened, were assigned to our use. Sentinels were stationed in the cabin and on the after-deck. The officers and crew of the boat treated us with all the kindness and courtesy it was in their power to show. When we were taken below to supper, we saw at another table a number of naval officers, some of whom several of my companions had known well. These officers did not venture to recognize a single

individual of our party, although we were within ten feet of them, and within full view. Their conduct was in admirable keeping with that of the Government they served.

FORTRESS MONROE.

We reached Fortress Monroe about six o'clock, on the morning of September 14. Major-General John E. Wool was in command of the Department within which the Fort was situated, and had his headquarters there at the time. As no arrangements had been made for our reception, we did not land until late in the day. The boat lay at the wharf for several hours, and then ran up above the Fortress about a quarter of a mile, and anchored in the stream. In the course of the day, General Wool sent for Messrs. Brown and May. He stated to them that our arrival had taken him by surprise, and that he had no quarters prepared for us, but said that some of the casemates were being made ready for us. He evidently felt that the accommodations he was about to give us were not such as we had a right to expect, and intimated that a building known as Carroll Hall, or a portion of it, would, in all probability, be assigned to us in a few days. This was the last that any of the party saw of General Wool, and we heard no more of Carroll Hall. About five o'clock, we landed, and were marched to our quarters. These consisted of two casemates, from which some negroes were still engaged in removing dirt and rubbish, when we got there. Each of these casemates was divided by a substantial partition, thus making four rooms. The two front rooms were well finished, and were about fifteen by twenty-three feet each, and each had a door and two windows which opened on the grounds within the Fortress. The windows had venetian shutters to them, and there were venetian doors also, outside of the ordinary solid doors. The inner, or back rooms, if rooms they can be called, were considerably smaller than the others, and were simply vaulted chambers of rough stone, whitewashed. They were each lighted by a single, deep embrasure, which, at the narrowest part, was about forty-four

by twenty-two inches. Just beneath these embrasures was the moat, which at that point was more than fifty feet in width. On the opposite side of the moat a sentinel was constantly stationed. The two back rooms and one of the front ones we used as sleeping apartments, each being occupied by five persons. In the other front room we took our meals. Bedsteads and bedding were furnished us, which, I believe, were obtained from the Hygeia Hotel, just outside the walls. About ten o'clock, one of the Sergeants of the Provost Marshal visited us, and carefully searched our baggage. Our meals were sent from the hotel also, and worse, as we at that time thought, could not well have been offered us. The regulations to which we were subjected, were not only unnecessarily rigorous, but seem to have been framed with the deliberate purpose of adding petty insults to our other annoyances. We were required to leave the room when the servants who brought our meals were engaged in setting the table, although a sergeant of the guard was always present at such times, to prevent our holding any conversation with them. We were notified, by *an order from General Wool also, that the knives and forks were to be counted after each meal.* It is difficult to conceive for what rational purpose such a rule was made. Fifteen of us would scarcely have thought of assailing the thousands of troops who composed the garrison, with such weapons as might have been snatched from the table; and, closely guarded as we were, it was hardly possible that we could have effected our escape, had we thought of doing so, by means of such implements as knives and forks. The order was one, therefore, which could only have been intended to humiliate us, and it was certainly such as no one having the instincts of a gentleman, or the better feelings of a man, would have suggested or enforced. It was, however, in accordance with the theory upon which General Wool thought proper to deal with us throughout.

In front of our casemates a large guard was stationed day and night, two or three tents being pitched about ten feet off for their use; and a sentinel was constantly pacing up

and down within four feet of our doors. For a week we never left our two casemates for a single instant, for any purpose whatever. We continually remonstrated against the manner in which we were treated, and represented the fact that we were likely, under such circumstances, to suffer seriously in health. Our complaints were generally followed by some new restriction. After we had been there two or three days, the Sergeant of the Guard closed the window-shutters and the venetian doors of our rooms, and stated that he had express orders to do so. At our request, Mr. Wallis addressed the following note to Captain Davis, the Provost Marshal:

"Captain DAVIS, U. S. A., Provost Marshal:

"*Sir:* The Sergeant who has charge of my fellow-prisoners and myself, has just closed the blinds of our front windows and doors, excluding us from the sight of passing objects, shutting out, to a great extent, the light by which we read, and hindering the circulation of the air through our apartments. These last are, at best, damp and unwholesome, and to-day particularly, in the existing state of the atmosphere, are extremely unpleasant and uncomfortable — so much so, that we have been compelled to build a fire for our mere protection from illness. Some of our number are old men; others in delicate health; and the restraint which excludes us from air and exercise is painful enough, without this new annoyance, which the Sergeant informs us he has no right to forego. You are aware of the disgusting necessities to which we are subjected, in a particular of which we spoke to you personally, and you will, of course, know how much this new obstruction must add to our discomfort. I am requested by my companions simply to call your attention to the matter, and am,

Very respectfully,

"S. T. WALLIS.

"Fortress Monroe, 17th September, 1861."

No reply was made to this by Captain Davis. On the following day, iron bars were placed across the shutters, and

padlocked, thus fastening them permanently, and the venetian doors were padlocked also. The keys were kept by the Sergeant, who was the deputy, or assistant, of the Provost Marshal, and, in his absence, no one had access to our rooms. In consequence of this, we were often put to serious inconvenience, and on several occasions, our meals, which were trundled up from the hotel on a wheelbarrow, remained for an hour or two outside of the door, awaiting the pleasure of the Sergeant. After the closing of the doors and shutters, our situation was, of course, far more irksome than ever. The venetian doors were not quite so high as the solid doors, and by standing on anything that elevated us a few inches, we could manage to look out over them. Through these furtive and unsatisfactory glimpses only, could we obtain any sight of the outer world on that side of our prison. From the back rooms we had a limited view of the river, and of some of the shipping; and of this prospect it was impossible by the exercise of any ingenuity to deprive us. A day or two before we left, we were allowed, at intervals during the day, the use of an adjoining casemate. Sanitary considerations, I presume, compelled our keepers to grant us a privilege, which it was sheer brutality to have so long denied us. A door communicated between our quarters and this new casemate, at which a sentinel was stationed, who permitted two persons to pass at one time. The more disgusting and painful details of our imprisonment, I must abstain from dwelling on. Our rooms were swept each morning, and such other personal services as were absolutely necessary were hurriedly performed by two filthy negro boys, under the supervision of the Sergeant of the Guard.

We were permitted to correspond with our families and friends, all our letters undergoing the scrutiny of one of General Wool's officers. But we were not allowed to make any public statements, nor even to correct the falsehoods or slanders which were circulated about us in the newspapers. On one occasion, a paragraph appeared in the Baltimore "American," which, by way of justifying our arrest, alleged

that the Government had in its possession ample evidence of the fact, that all who had been arrested had in some way violated the laws. An assertion so utterly false we naturally desired to contradict, and Messrs. Brown, and Wallis, and myself, each wrote a brief card for publication in other journals, denying the truth of the "American's" statement. These cards were not allowed to go to the newspapers to which we had addressed them. It apparently suited the purpose of the Government to have us libelled as well as punished, and we, of course, were without redress.

For ten days, we lived as I have described, in these darkened and dreary casemates. General Wool never came near our quarters, nor did he ever, either directly or indirectly, extend to us the slightest courtesy. He knew as well as any one, that we had been seized and were held by the Government in utter violation of all law, and that he had no decent pretext for permitting himself to be made our custodian. He knew, therefore, that we were entitled to be treated with some consideration. But he ignored, alike, his obligations as a citizen and as a gentleman, and caused us to be subjected to indignities that it would have been needless to inflict on the convicted inmates of his own guard-house. After our return, we heard in several quarters, that General Wool had repeatedly said he acted in the matter strictly in accordance with his instructions from Washington. As implicit deference to officers of the Government seems to be generally exacted in these days, the public may perhaps accept General Wool's explanation. For myself, I do not; and I am sure there are many who will refuse to credit the statement that the War Department found time, at such a crisis, to send special orders to Fortress Monroe, consigning us to the casemates in question, and directing the closing of the shutters, and the counting of the knives and forks. It seems more reasonable to suppose that General Wool had some discretionary powers in regard to the treatment he was to accord to his prisoners.

Soon after we reached Fortress Monroe, we began to con-

sider the probabilities of our release, and the means by which we might obtain it. It was suggested that we should come to some understanding as to the course we ought to pursue, and then act together throughout; but this proposition was not for a moment entertained. Almost every one of us thought that each individual should act for himself, under his own sense of right. It was very soon evident, however, that we were all of one opinion. We regarded the outrage done us personally, as one about which we could make no compromise. We thought the contemptuous violation of the laws of our State and the rights of its people, required at our hands all the resistance we could offer. We saw that Mr. Lincoln desired, by arbitrary measures, to silence everything like opposition to his schemes, and we felt under an obligation to thwart his iniquitous project, by showing that the people of Maryland could not successfully be so dealt with. It seemed clear to us, therefore, that it was the duty of each of us, both as an individual and a citizen, to continue to denounce and protest against Mr. Lincoln's proceedings, and to accept at his hands nothing, save the unconditional discharge to which we were entitled. Of this determination we notified our friends, during the first few days of our imprisonment.

FORT LAFAYETTE.

On the afternoon of the 25th of September, we left Fortress Monroe, on the steamer George Peabody. There were no other passengers, but the fifteen or twenty soldiers composing the guard. The boat was a Baltimore boat, and we received from her officers and crew the same courteous treatment that had been extended to us on board of the Adelaide. We reached Fort Lafayette, in New York harbor, a little before dark, on the afternoon of the 26th, and were immediately transferred from the boat to the Fort. Fort Lafayette is built upon a shoal, or small island, lying in the Narrows, just between the lower end of Staten Island and Long Island, and two or three hundred yards from the latter.

It is something of an octagonal structure, though the four principal sides are so much longer than the others, that the building, on the inside, looks like a square. It is some forty-five or fifty feet high. In two of the longer and two of the shorter sides, which command the channel, are the batteries. There are two tiers of heavy guns on each of these sides, and above these are lighter *barbette* guns, under a temporary wooden roof. The other two principal sides are occupied, on the first and second stories, by small casemates; all those on the second, and some of those on the first story, being then assigned to the officers and soldiers. There are, altogether, ten of these casemates on each story. The whole space enclosed within the walls is about one hundred and twenty feet across. A pavement, about twenty-five feet wide, runs around this space, leaving a patch of ground, some seventy feet square, in the middle. A gloomier-looking place than Fort Lafayette, both within and without, it would be hard to find in the whole State of New York, or, indeed, anywhere. On the high bluff on Long Island stood Fort Hamilton, an extensive fortification, whose commanding officer, Colonel Martin Burke, had also jurisdiction over Fort Lafayette. Lieutenant Chas. O. Wood, who had, a few months before, received a commission from Mr. Lincoln, was commanding officer at Fort Lafayette. The two principal gun-batteries, and four of the casemates in the lower story, were assigned to the prisoners. Each of these batteries was paved with brick, and was, I should judge, about sixty feet long and twenty-four feet wide. The one in which I was first quartered was lighted by five embrasures, the breadth and height of each being about two and a half by two feet, and on the outside of these, iron gratings had been fastened. There were five large thirty-two-pounders in this room, which were about eight feet apart, and, with their carriages, occupied a great deal of space. Five large doorways, seven or eight feet high, opened upon the enclosure within the walls, and were closed by solid folding-doors. We were only allowed to keep two of these doors, at one end of the battery, open, and at that

end only could we usually see to read or write. The lower half of the battery was in a state of perpetual twilight. The adjoining battery was, in all respects, like the one I have attempted to describe. The four casemates, which were occupied by prisoners, were vaulted cells, measuring twenty-four by fourteen feet in length and breadth, and eight feet at the highest point. Each was lighted by two small loop-holes in the outer wall, about ten inches wide, and by a similar one opening on the inside enclosure. These casemates were both dark and damp, but they had fireplaces in them, while it was impossible to warm the gun-batteries, until stoves were put up, about a week or ten days before we left.

The Fort could not be made to accommodate twenty people decently, beside the garrison. Nevertheless, there were always largely over a hundred crowded into it, and at one time, there were as many as one hundred and thirty-five.

When I and my companions reached the wharf, we were met by Lieutenant Wood. I had seen him at Fort Hamilton some six weeks before, having gone there to try and see my father, who was then confined in Fort Lafayette. Wood recognized me, and requested me to introduce to him the gentlemen who were with me. This was the first and last occasion, as far as I know, on which he manifested a disposition to treat us with civility. His bearing, at all times subsequently, was that of an ordinary jailer, except, perhaps, that he displayed even less good feeling than usually characterizes that class of people. We were marched into the gun-battery I have mentioned, and as the prisoners already there, many of whom were our acquaintances or friends, crowded around us, Lieutenant Wood requested all to leave the room, except those comprised in what he elegantly termed the "last lot." We were then required to give up all the money in our possession. We were each furnished that night with an iron bedstead, a bag of straw, and one shoddy blanket. When we had time to look around us, we found there were some twenty prisoners already quartered in the

battery, and the number of inmates was therefore increased to about thirty-five by the addition of our party. The beds, which were arranged between the guns, almost touched each other. If we had had other furniture, we should not have known what to do with it, three or four chairs and a couple of small tables being all that we could afterward find space for.

We found, in the morning, that the gun-battery adjoining ours was, if possible, more crowded than the one we occupied, and the casemates were as much crowded as the batteries. There were, as I have stated, four casemates, on the lower or ground floor, allotted to prisoners. Three of these contained nine or ten persons each, and into the fourth were thrust, at that time, very nearly thirty prisoners, who were either privateersmen, or sailors who had been taken while running the blockade on the Southern coast. These men had neither beds nor blankets, and were all, or nearly all, in irons. Their situation was wretched in the extreme.

Such was the condition of things at Fort Lafayette when we reached it, and we were not a little astonished to learn from our friends, who had been there longer, that their situation had been even worse a few weeks previously than it then was. To give a correct idea of the manner in which the Government dealt with gentlemen who, by its own admission, had been arrested, or were then held merely by way of precaution, I insert the following letters, which had, before my arrival, been sent by my father to the parties to whom they are respectively addressed:

"FORT LAFAYETTE, N. Y., August 1, 1861.

"Hon. SIMON CAMERON, Secretary of War, Washington, D. C.:

"*Sir:* After the interview I had with you in Fort McHenry, on the 4th ult., and in view of the assurances you then expressed, as to the manner in which I and the gentlemen with me, were entitled to be treated during our confinement by the General Government, I cannot refrain from expressing my surprise at the condition in which, by its orders, we now find ourselves. On

Monday evening last, we were placed on board the steamer Joseph Whitney, with a detachment of soldiers; all information as to our place of destination being positively refused, both to us and to the members of our families. Both General Dix and Major Morris, however, gave the most positive assurances that, at the place to which we should be taken, we would be made much more comfortable, and the limits of our confinement would be less restricted than at Fort McHenry. Yesterday, we were landed here, and are kept in close custody. No provision of any kind had been made here for us, and, last night, were shut up, eight persons, in a vaulted room or casemate, about twenty-four by fourteen feet, having three small windows, each about three feet by fourteen inches, and a close wooden door, which was shut and locked upon us soon after nine o'clock, and remained so until morning. Some of the party, by permission, brought on our own bedsteads and bedding, with which we had been compelled to supply ourselves at Fort McHenry; otherwise we should have been compelled to lie on the bare floor, the officers here stating to us, that they had no supplies whatever, and could not furnish us with blankets, even of the most ordinary kind. We are distinctly notified that the orders under which the commanding officer of the post is acting, require him to impose upon us the following, among other restrictions, viz.: we are allowed to receive or forward no letters from or to, even our own families, unless they are submitted to inspection and perusal by some military officer; no friend can visit us without the permission of Colonel Burke, whose quarters are not at this Fort, and no intimation has been given that such permission will be readily granted; we are to receive no newspapers from any quarter; for one hour in the morning, and one in the evening only, we are to be allowed to take exercise by walking about in a small square, not larger than some sixty or seventy feet each way, surrounded on the four sides by the massive buildings of the Fort, three stories in height. We were, on our arrival here, required to surrender all the money we had, and all writing-paper and envelopes, our baggage being all searched for these and other articles that might be chosen to be considered as contraband. It is unnecessary to give any further details to satisfy you that our condition, as to physical comfort, is no better than that of the worst felons in any common jail in the coun-

try. Having been arrested, and already imprisoned for a month, without a charge of any legal offence having been, as yet, preferred against me, or those arrested at the same time with me, it is useless to make any further protest to you against the continuance of our confinement. But we do insist, as a matter of common right, as well as in fulfilment of your own declarations to me, that, if the Government chooses to exercise its power, by restraining us of our liberty, it is bound, in ordinary decency, to make such provision for our comfort and health, as gentlemen, against whom, if charges have been preferred, they have not been made known, and all opportunity for an investigation has been denied, are recognized in every civilized community to be entitled to. It is but just to Colonel Burke, and Lieutenant Wood, who commands the garrison here, that I should add that both of those officers have professed their desire to extend to us all comforts that their instructions will allow, and the means at their command will enable them to do. They have, however, each stated that the orders under which they act are imperative, and that their supplies of even the most common articles are, at present, very limited. I have written this letter on my bed, sitting on the floor, upon a carpet-bag, there being neither table, chair, stool, nor bench in the room.

"I have the honor to be your obedient servant,

CHARLES HOWARD."

"FORT LAFAYETTE, N. Y. Harbor, August 7, 1861.

"Hon. SIMON CAMERON, Secretary of War, Washington, D. C.:

"*Sir:* I addressed a communication yesterday to Colonel Burke, which he advised me he has forwarded to Washington. In reply, he has written a note to Lieutenant Wood, and instructed him to read it to us. The substance of this note was, that as some of the letters we had written to our families, if they were to find their way into the newspapers, 'might influence the public mind,' the Colonel had thought it proper to forward them all to the headquarters of the army. He further stated that the orders he had received were, to 'treat us kindly, but keep us safely.' As to the first part, allow me to say, that whatever our condition may be, the minds of our friends, and of all others, who may feel any interest in the matter, will surely be less apt to be influenced unfavorably toward the Government by knowing the truth about

us, than they will be by their finding that our communications with them are intercepted, and that they are allowed to hear nothing whatever as to how we are treated. They will necessarily conclude that our imprisonment is exactly like that of those who used to be confined in the Bastile, (as in fact it is,) who were allowed to hold no communications except such as might be entirely agreeable and acceptable to their custodians. They will, of course, be kept in a continual state of great anxiety and uneasiness, and their sympathies will be constantly excited in our behalf. The distress that will thus be inflicted upon our families, can be termed nothing less than cruelty. In the next place, it is hard to conceive how it can be reconciled with anything like the idea of 'kind treatment,' to prohibit our reception of all newspapers whatever, or the unrestricted delivery to us, without examination, of all letters that may be addressed to us; while it certainly cannot be shown that such prohibitions are at all necessary to insure our 'safe-keeping.' The examination of, and the discretion claimed to retain letters to us from the nearest members of our families, as well as the preventing us from receiving newspapers, can only be regarded as measures of punishment, adopted toward those who have been convicted of no offence; to whom no opportunity has been afforded for an investigation of any charges that may possibly have been preferred against them; and for whose arrest, as our counsel were assured by General Banks, there were no other reasons than the allegations set forth by him in his proclamation; and the continuance of whose confinement, he stated to be solely a precautionary measure on the part of the Government. These assurances were given by him at Fort McHenry. I will add that, whatever may be the disposition of the officer commanding the post, and of those in this garrison, to 'treat us kindly,' they are restricted in doing so, within extremely narrow limits, either by other orders they may have received, or by the means of extending such treatment not having been supplied to them. We are isolated — at a distance of two hundred miles from our families, and all but a few friends; and with these we are permitted to have no intercourse. We are thrown upon our own resources — those of us who may have means, being allowed to find, at our own cost, within the Fort, decent, but very ordinary fare, while those who cannot, in justice to their families, afford such expense, have

nothing but the ordinary rations of the soldier, which are of the coarsest kind. In consequence of the delay in other departments of the service, in complying with the requisitions which the officers here have made, we should at this moment, though we have been here a week, have been without a chair or table but for the courtesy of Lieutenant Stirling, who, seeing our state of utter discomfort, has lent to us two chairs from his own quarters; and that of the wife of a sergeant, who has lent us a small stand. We are informed, however, that a supply of such articles may be expected, for our use, from the city, this evening. Finally, there are six of us confined in one room, precisely similar, in all respects, to that described in my letter of the 1st inst., to which I beg leave to refer you.

"I have the honor to be your obedient servant,

CHARLES HOWARD."

"FORT LAFAYETTE, N. Y. Harbor, August 8, 1861.

"Lieut.-Gen. SCOTT, Commander-in-Chief, U. S. A.,

Headquarters, Washington, D. C.:

"*Sir:* By a letter received last night from Mrs. Howard, I learn that in reply to the inquiries she made of you, she was informed that I would be 'decently lodged and subsisted here.' I wrote to the Hon. the Secretary of War, on the 1st inst., and again yesterday, advising him of the treatment which I and my fellow-prisoners are receiving. A perusal of those letters would satisfy you that these assurances are not verified. I need here only say, that we are not 'decently lodged,' nor are we, in any sense of the words, 'decently subsisted' by the Government. The only proffer of subsistence made to us, has been to feed us like the private soldiers of the garrison, or to allow us to procure other meals at our own cost.

"I have the honor to be your obedient servant,

CHARLES HOWARD."

"FORT LAFAYETTE, N. Y. Harbor, August 12, 1861.

"Hon. SIMON CAMERON, Secretary of War, Washington, D. C.:

"*Sir:* I laid before you a statement of the condition in which I am kept, in two former communications, the one on the 1st inst., and the other a few days subsequently; to which I beg leave to refer. And I should not again trouble you, had I not,

since my last, learned on the direct authority of Lieutenant-General Scott, that an order had been given by the Department of State, that the political prisoners confined at Fort Lafayette shall be 'decently lodged and subsisted, unless they prefer to provide for themselves.' The 'decent lodging' furnished us, consists in putting seven gentlemen to sleep in one room, of which I have before given you a description. Within this, or at the door of it, we are required to remain, except during two hours in the day, or while taking our meals.

"The 'decent subsistence' offered us, in the alternative of our declining, or not having the means to provide for ourselves, is much inferior, in many respects, to that furnished to convicted felons in the Baltimore Penitentiary and Jail; and so far as I am informed, in any well-regulated prison in the country.

"The officers here advise us, that this is the only fare which, under the instructions given, and the means allowed to them by the Government, they can offer. How far such treatment is in accordance with the instructions of the Government, as expressed by the Department of State, with the assurance given to me personally by yourself, or with the promises voluntarily made by Major-General John A. Dix, and Major Wm. W. Morris, I leave it, sir, for you to judge.

"I have the honor to be your obedient servant,

CHARLES HOWARD."

"FORT LAFAYETTE, N. Y. Harbor, August 19, 1861.

"Hon. WM. H. SEWARD, Secretary of State, Washington, D. C.:

"*Sir:* My family were informed by Lieutenant-General Scott, under date of the 3d instant., that an order had been given 'by the Department of State, that the political prisoners confined at Fort Lafayette shall be decently lodged and subsisted, unless they prefer to provide for themselves.' About the same time, I was advised by Lieutenant-Colonel Burke, commanding this post, that his instructions were 'to treat us kindly, but keep us safely.' I beg leave, sir, to inform you that your order has not been complied with. It cannot be considered as 'decent lodging' to put a number of gentlemen accustomed to the comforts of life, to sleep in one low vaulted room, in or at the door of which they are confined, except for two hours in the twenty-four. The number sleeping in the room in which I am now placed, has

varied from five to seven. There are now here, six of us. The only subsistence provided for us by the Government, as the alternative of providing for ourselves, has been the proffer of the single ration, distributed here to the private soldier, which is inferior, both in quantity and quality, to the fare furnished to the convicted felons in many of the jails and penitentiaries throughout the country. And this is the 'decent subsistence' offered to men who have been arrested, and are held on suspicion only, and who have not ceased to demand an open investigation of any charge that may possibly have been preferred against them; a demand which has been persistently denied. I have no grounds for imputing to Colonel Burke, or the officers of this garrison, any intentional disposition to treat us unkindly. But acting as they state themselves to be, in obedience to the orders which they have received, we are subject to various harsh and arbitrary restrictions, which are utterly irreconcilable with the idea of 'kind treatment,' while they are equally unnecessary for the insuring of our safe-keeping. I deem it useless, at present, to go more into details, as I have already described the condition in which we are placed, in three communications to the Hon. the Secretary of War, on the 1st, 7th, and 12th inst., respectively, and in one to Lieutenant-General Scott, on the 8th inst., of none of which does any notice appear to have been taken. Should you, sir, however, desire a fuller statement than I have here made, to be addressed directly to yourself, one shall be forwarded, as soon as I may be apprised of your wishes.

"I have the honor to be your obedient servant,

CHARLES HOWARD."

Not the slightest notice was taken of these letters by the persons to whom they were addressed, unless the few chairs, and sheets, and blankets, which were furnished some time afterward, were distributed by special order from Washington.

To show how desirous the officers of the Government were, at that time, to keep, even from the families of the prisoners, all knowledge of their actual condition, I am permitted to cite this letter from Mr. Gatchell, one of the Police Com-

missioners of Baltimore. Lieutenant Wood refused to forward it to its destination. It was written in pencil:

"FORT LAFAYETTE, New York.

"MY DEAR WIFE: I write on my knee, and with very little light — but I cannot help saying to you, so that you may know as soon as possible, that, notwithstanding the assurances given to us when we left Fort McHenry, we are altogether as uncomfortable as it is possible to be. The gentleman in command has expressed his desire to do all in his power for our comfort, but he has not the means. Don't write until I give you notice, for at present we are cut off from all communication with our friends, except writing to them, and our letters inspected. Love to all. Affectionately,

WM. H. GATCHELL.

"Wednesday Evening, 31st July."

Lieutenant Wood, who had expressed his desire to do all in his power for the comfort of the prisoners, sent back the above letter, after the lapse of two or three weeks, to Mr. Gatchell. He informed Mr. Gatchell, when he returned it, that it had been forwarded to Washington for inspection, and that he was not allowed to let it pass.

I had, during the visit to New York, of which I have already spoken, learned how outrageously my father and his companions were treated, and I published in the New York "Daily News" a full statement of the facts. It was never contradicted by the agents of the Government, and was apparently unnoticed by the public. At that time, also, I met Major Clitz, of the United States Army, who was then stationed at Fort Hamilton, who, in reply to some remarks of mine, admitted that there were not decent accommodations in Fort Lafayette for fifteen prisoners. Major Clitz came over to Fort Lafayette while I was myself a prisoner there, and I reminded him of that conversation. He unhesitatingly replied that he was still of the same opinion.

Shortly after the visit just mentioned, the prisoners were permitted to receive the daily papers, and were allowed the use of liquor, under certain restrictions. The liquors they

chose to order were kept by Lieutenant Wood, and were given out, day by day, in moderate quantities. The day after we arrived, we sent to New York for beds, bedding, and other necessary articles of furniture. These we received a few days afterward. Before our arrival, those of the prisoners who chose to do so, had obtained permission to board with the Ordnance Sergeant, who had been many years at the post. He and his family occupied two or three of the lower casemates, and he undertook to furnish us two meals daily, at a charge, to each prisoner, of a dollar a day. This arrangement most of our party adopted. The others preferred or could not afford to do otherwise than accept the Government rations, upon which the majority of the prisoners were living. These were of the coarsest description, and were served in the coarsest style. A tin plate and a tin cup to each person constituted the whole table furniture. The dinners consisted of fat pork and beans, a cup of thin soup and bread, or of boiled beef and potatoes and bread, on alternate days. For breakfast, bread, and weak, unpalatable coffee, were distributed. This fare was precisely the same as that furnished to the soldiers. I more than once examined these rations after they were served. The coffee was a muddy liquid in which the taste of coffee was barely perceptible, the predominating flavor being a combination of burnt beans and foul water. The soup was, if possible, worse, the only palatable thing about it being the few stray grains of rice that could sometimes be fished out of each can. The pork and beef were of the most indifferent quality, and were at times only half cooked. Over and over again have I seen gentlemen who had been always accustomed to all the comforts of life, forced to turn away with loathing from the miserable food thus provided for them. The fare furnished to those of us who boarded with the Sergeant was very plain, but good enough of its kind.

On the 8th of October we addressed the following remonstrance to the President. The statements which it contains,

were purposely made as moderate and temperate as was consistent with the truth.

"FORT LAFAYETTE, 8th October, 1861.

"His Excellency the PRESIDENT of the United States:

"*Sir:* The undersigned, prisoners confined in Fort Lafayette, are compelled to address you this protest and remonstrance against the inhumanity of their confinement and treatment. The officers in command at Fort Hamilton and this post, being fully aware of the grievances and privations to which we are obliged to submit, we are bound, for humanity's sake, to presume that they have no authority or means to redress or remove them. They, in fact, assure us that they have not. Our only recourse, therefore, is to lay this statement before you, in order that you may interpose to prevent our being any longer exposed to them.

"The prisoners at this post are confined in four small casemates, and two large battery-rooms. The former are about fourteen feet in breadth by twenty-four or thereabouts in length, with arched ceilings about eight and a half feet high at the highest point, the spring of the arch commencing at about five feet from the floor. In each of these is a fireplace, and the floors are of plank. The battery-rooms are of considerably higher pitch, and the floors are of brick, and a large space is occupied in them by the heavy guns and gun-carriages of the batteries. They have no fireplaces or means of protection from cold or moisture, and the doors are large, like those of a carriage-house, rendering the admission of light impossible without entire exposure to the temperature and weather without. In one of the small casemates, twenty-three prisoners are confined, two-thirds of them in irons, without beds, bedding, or any of the commonest necessaries. Their condition could hardly be worse, if they were in a slave-ship, on the middle passage. In each of two, out of the three other casemates, ten gentlemen are imprisoned; in the third there are nine, and a tenth is allotted to it; their beds and necessary luggage leaving them scarce space to move, and rendering the commonest personal cleanliness almost an impossibility. The doors are all fastened from six or thereabouts in the evening, until the same hour in the morning; and with all the windows (which are small) left open in all weathers, it is hardly possible to sleep in the foul, unwholesome air. Into one of the larger

battery-rooms, there are thirty-four prisoners closely crowded; into the other, thirty-five. All the doors are closed for the same period as stated above, and the only ventilation is then from the embrasures, and so imperfect that the atmosphere is oppressive and almost stifling. Even during the day, three of the doors of one of these apartments are kept closed, against the remonstrances of the medical men who are among the inmates, and to the utter exclusion of wholesome and necessary light and air. In damp weather, all these unhealthy annoyances and painful discomforts are of course greatly augmented, and when, as to-day, the prisoners are compelled by rain to continue within doors, their situation becomes almost intolerable. The undersigned do not hesitate to say, that no intelligent inspector of prisons can fail to pronounce their accommodations as wretchedly deficient, and altogether incompatible with health; and it is obvious, as we already feel, that the growing inclemencies of the season which is upon us, must make our condition more and more nearly unendurable. Many of the prisoners are men advanced in life; many more are of infirm health or delicate constitutions. The greater portion of them have been accustomed to the reasonable comforts of life, none of which are accessible to them here, and their liability to illness, is, of course, proportionately greater on that account. Many have already suffered seriously, from indisposition augmented by the restrictions imposed upon them. A contagious cutaneous disease is now spreading in one of the larger apartments, and the physicians who are among us are positive that some serious general disorder must be the inevitable result, if our situation remains unimproved. The use of any but salt water, except for drinking, has been, for some time, altogether denied to us. The cistern water, itself, for some days past, has been filled with dirt and animalcules, and the supply, even of that, has been so low, that yesterday we were almost wholly without drinking-water. A few of us, who have the means to purchase some trifling necessaries, have been able to relieve ourselves from this latter privation, to some extent, by procuring an occasional, though greatly inadequate, supply of fresh water from the Long Island side.

It only remains to add, that the fare is of the commonest and coarsest soldiers' rations, almost invariably ill-prepared and ill-cooked. Some of us, who are better able than the rest, are per-

mitted to take our meals at a private mess, supplied by the wife of the Ordnance Sergeant, for which we pay, at the rate of a dollar per day, from our own funds. Those who are less fortunate, are compelled to submit to a diet so bad and unusual as to be seriously prejudicial to their health.

"The undersigned have entered into these partial details, because they cannot believe that it is the purpose of the Government to destroy their health or sacrifice their lives, by visiting them with such cruel hardships; and they will hope, unless forced to a contrary conclusion, that it can only be necessary to present the facts to you, plainly, in order to secure the necessary relief. We desire to say nothing, here, in regard to the justice or injustice of our imprisonment, but we respectfully insist upon our right to be treated with decency and common humanity, so long as the Government sees fit to confine us.

"Commending the matter to your earliest consideration and prompt interference, we are your obedient servants,

H. May,
E. C. Lowber,
Wm. G. Harrison,
Robt. Mure,
Jno. Williams,
Robt. M. Denison,
Saml. H. Lyon,
L. Sangston,
G. O. Van Amringe,
Hilary Cenas,
W. R. Butt,
B. P. Loyall,
W. H. Ward,
T. Parkin Scott,
P. P. Raisin,
Jno. C. Braine,
J. H. Gordon,
C. J. Durant,
M. W. Barr,
R. T. Durrett,
J. Hanson Thomas,
C. J. Faulkner,
Chas. Howard,
Geo. Wm. Brown,
Wm. H. Gatchell,
C. S. Morehead,
Jas. A. McMaster,
Chas. H. Pitts,
R. H. Alvey,
S. T. Wallis,
Austin E. Smith,
F. K. Howard,
J. T. McFeat,
J. K. Millner,
B. Mills, M.D.,
Andrew Lynch, M.D.,
H. R. Stevens,
J. W. Robarts,
R. R. Walker,
Chas. M. Hagelin,
Bethel Burton,
S. J. Anderson,
Rich. S. Freeman,
G. P. Pressay,

L. G. Quinlan,
W. E. Kearney,
G. A. Shackleford,
Jno. H. Cusick,
Jos. W. Griffith,
Robt. Drane,
Jno. W. Davis,
T. S. Wilson,
Robt. Tansill,
A. D. Wharton,
Saml. Eakins,
J. B. Barbour,
Edw. Payne,
A. Dawson,
Jno. M. Brewer,
Ellis B. Schnabel,
H. B. Claiborne,
F. Wyatt,
E. S. Ruggles,
Jas. E. Murphry,
Henry M. Warfield,
Geo. P. Kane,
Chas. Macgill, M. D.,
Geo. W. Barnard,
F. M. Crow,
H. G. Thurber,
E. G. Kilbourne,
T. H. Wooldridge,
L. S. Hobsclaw,
Algernon S. Sullivan,
Jas. Chapin,
E. B. Wilder,
A. McDowell,
Wm. Grubbs,
Chas. Kopperl,
Thos. W. Hall, Jr."

On the 10th of October, the following note was sent to Lieutenant Wood, who ordered it to be read to the prisoners:

"Fort Hamilton, New York, October 10, 1861.

"*Sir:* I am directed by Colonel Burke to say to you, that you can inform the prisoners, that their petition has been forwarded, through Colonel Townsend, to the President United States.

"Very respectfully, your obedient servant,

J. C. Lay,

"First Lieutenant 12th Infantry.

"P. S.—Colonel presumed that boat has brought you a supply of water."

Of the gentlemen who signed the above remonstrance, which Colonel Burke thought proper to term a "petition," many were members of the Maryland Legislature; a large number were, up to the time of their incarceration, officers of the Navy; and others were men of high social or political position in their respective States. No reply was ever received from Washington.

The rules to which we were expected to conform, were posted on the walls of the different batteries and casemates. They read as follows:

"*Regulations for the Guidance of Citizen Prisoners confined at this Post.*

"1st. The rooms of the prisoners will be ready for inspection at 9 o'clock A.M. All cleaning, etc., will be done by the prisoners themselves, unless otherwise directed. All washing will be done in the yard.

"2d. No conversation will be allowed with any member of this garrison, and all communication in regard to their wants will be made to the Sergeant of the Guard.

"3d. No prisoner will leave his room without the permission of the Sergeant of the Guard.

"4th. Prisoners will avoid all conversations on the political affairs of this country, within the hearing of any member of this garrison.

"5th. Light will be allowed in the prisoners' rooms until 9.15 P.M. After this hour, all talking, or noise of any kind, will cease.

"6th. The prisoners will obey implicitly the directions of any member of the guard.

"Cases of sickness will be reported at 7 A.M.

"8th. Any transgressions of the foregoing rules will be corrected by solitary imprisonment, or such other restrictions as may be required to the strict enforcement thereof.

(Signed) CHARLES O. WOOD,
Second Lieutenant, 9th Infantry, Commanding Post.

"Fort Lafayette, New York Harbor, August 3, 1861."

Shortly after we arrived at Fort Lafayette, the following additional order was issued:

"No prisoners will be allowed to recognize or have any communication with any persons visiting this Fort, excepting when the visitor brings an order from the proper authority, permitting an interview, which interview will be held in the presence of an officer, and not to exceed one hour; the conversation during the interview will be carried on in a tone of voice

loud enough to be distinctly heard by the officer in whose presence the interview is held."

These rules were, with a single exception, strictly enforced. Those of us whose quarters were contiguous, were suffered to pass backward and forward, at will, provided we did not step off the pavement, which ran around the enclosure. But we could not visit the quarters of those who were on the opposite side of the Fort, without permission of the Sergeant of the Guard. We were only allowed to walk for one hour in the morning, and one hour in the afternoon, upon the little patch of ground within the Fort. Why the privilege of walking there, at all times, was denied us, it is hard to conjecture. The space inside was so small, that, when we took our afternoon's exercise, it was literally crowded. The walls surrounding it were three stories high, and there was but one point at which egress was possible, and that was just at the guard-house, where the guard was always on duty. It was but a wanton and senseless restriction to confine us to the pavement in front of our quarters. At first, the prisoners had to clean their own rooms, and to perform all other similar menial offices. Afterward, they were allowed, for an hour or two in the morning, to employ one of the soldiers, who, being unable to speak or understand the English language, may be presumed to have been unfit for military duty, as he certainly was for any other.

The most private communications regarding domestic affairs or business having to be subjected to the criticism of Lieutenant Wood, we preferred to be silent concerning such matters, be the consequences what they might. Such were the regulations to which the Government, or its agents, thought proper to subject its victims.

Our complaints of the manner in which we were treated, had been persistent and decided; and from time to time, released prisoners made them known to the public through the columns of various newspapers. One of these statements appeared in the New York "Herald," of October 24. It

did not contain a line that was not strictly true. On the 26th, the following letters were published in the same journal, I presume, by Colonel Burke's directions. The first was addressed to the United States Marshal in New York. It was dated, the "Herald" said, on the 9th of October, 1861.

"SIR: I have the honor to enclose herewith a list of articles necessary for the state prisoners confined at this post, which you will please send me at your earliest convenience.

"The water being almost entirely out, you will please send me a water-boat, with a supply of water to fill two cisterns, which will last until we have rain enough to obviate the difficulty. You cannot comply too soon, as it is an immediate necessity.

"List of articles necessary for the comfort of prisoners: 100 blankets, 200 sheets, 200 pillow-cases, 50 single mattresses, 50 pillows, 50 iron bedsteads, 50 arm-chairs, 20 small tables, 50 wash-stands, 25 washbowls and pitchers, 10 small oval stoves and pipe, 50 wooden buckets, 100 tin cups, 250 yards of rope carpet for laying on brick floors. I take this opportunity to inform you that the ship's galley and other articles furnished by you, are very satisfactory, and answer the purpose for which they were required.

"I am, very respectfully, your obedient servant,

CHARLES O. WOOD,
Second Lieutenant Infantry, commanding Post.

"Approved: MARTIN BURKE, Lieutenant-Colonel, commanding Forts Hamilton and Lafayette."

"HEADQUARTERS, Fort Hamilton, October 24, 1861.

"ROBERT MURRAY, Esq., United States Marshal, New York:

"My attention was drawn to a statement in the 'Herald' of this morning, from a prisoner lately released from Fort Lafayette. Now, I wish to call your attention to the same article, and submit its further consideration to your judgment.

"You and I both know how hard the Government has striven to make these prisoners comfortable, and if, in the whirlpool of business, they have been apparently neglected, we can both testify as to the present ample preparations which are being made,

not only to render them comfortable, but even to put it beyond the complaint of some who would be unreasonable.

"In regard to myself, I can simply say that I have, to the utmost of my ability, tried to do my duty, alike to the Government and the prisoners.

"Lieutenant Wood is unceasing in his care and watchfulness, and, as you well know, ready, at any time, to do all he can for the comfort of those under his charge.

"With regard to improper and false communications from released prisoners, if such there are, it is a question for the Honorable Secretary of State to decide how far such communications invalidate the parole of the person or persons making them.

"Very respectfully, your obedient servant,

MARTIN BURKE,
Lieutenant-Colonel Commanding."

It will be observed that Lieutenant Wood's requisition was only made the day after the date of the "remonstrance" which we had sent to Mr. Lincoln. Whether it would have been made at all but for that remonstrance, may well be doubted. We had been over two weeks in Fort Lafayette before Lieutenant Wood thought proper to give any such evidence of that "care and watchfulness" which Colonel Burke attributed to him. "How hard the Government had striven" to make the prisoners comfortable may be judged by the foregoing narrative, and from the fact that the articles, for which Lieutenant Wood called on Marshal Murray, only reached the Fort some time about the date of Colonel Burke's letter, and we had then been imprisoned there nearly a month. That Colonel Burke made any special efforts to do his duty to the prisoners is utterly untrue. He paid a visit to the Fort about the 5th of August, and did not appear there again until about the 26th of October, and, but for facts which I shall subsequently mention, it is not likely that he would have paid the latter visit at all. Had he chosen to inspect our quarters more frequently, or give us opportunities of preferring our complaints, he might, had he so pleased, have

mitigated, in very many respects, the rigors of our imprisonment. I may add that no "communications from released prisoners," that I ever saw, were, in any particular, untrue or exaggerated, and the promptitude with which Colonel Burke threw out his sinister suggestion to the Marshal shows how anxious he was for the suppression of all such information.

Our correspondence was subjected to the strictest scrutiny, and letters written by the prisoners were frequently returned to them, and generally because they contained facts which the Government did not desire should become known, or reflections on the Government itself. On one occasion, Lieutenant Wood returned to me a letter which I had written to my wife. No reason was assigned for this; but I was forced to the conclusion that it was sent back because Lieutenant Wood chose to consider it too long. It was a small sheet of note-paper. There was nothing in the contents to which he could object, and as two letters, of the same length as mine, were returned to the writers that morning, with a message from Lieutenant Wood that they were too long, I inferred that mine was sent back for a similar cause. To such annoyances we were continually subjected. At times our condition became so unendurable, that, finding our complaints unheeded, we expressed our sense of the indignities put upon us, in perfectly plain language. On one occasion, when outraged by some fresh act of harshness or impertinence, I wrote a letter to a friend, in which, after describing our situation, I used this language:

"To have imprisoned men solely on account of their political opinions, is enough to bring eternal infamy on every individual connected with the Administration; but the manner in which we have been treated since our confinement, is, if possible, even more disgraceful to them. I should have supposed that, if the Government chose to confine citizens because their sentiments were distasteful to it, it would have contented itself with keeping them in custody, but would have put them in tolerably comfortable quarters If I had been told, twelve months

ago, that the American people would ever have permitted their rulers, under any pretence whatever, to establish such a despotism as I have lived to witness, I should have indignantly denied the assertion; and if I had been then told that officers of the Army would ever consent to be the instruments to carry out the behests of a vulgar dictator, I should have predicted that they would rather have stripped their epaulets from their shoulders. But we live to learn; and I have learned much in the past few months."

This letter was returned to me the next morning, and on the following day one of the sergeants handed me a letter addressed by Colonel Burke to Lieutenant Wood, which he said the latter had ordered him to read to me particularly, and to the other prisoners. I was unable to procure a copy of this letter, but remember the tenor of it. Colonel Burke expressed his surprise that I should have attempted to make him and Lieutenant Wood the medium through which to cast reflections on their superior officers. He was also pleased to say that as my family had always borne a gentlemanly character in Maryland, he had not expected that I would be guilty of conduct "so indelicate, to use no stronger terms." He concluded by insisting that the Government had been and would be unremitting in its exertions to make us comfortable.

I immediately sent him this note:

"FORT LAFAYETTE, October 23.

"Lieutenant-Colonel BURKE:

"*Sir:* Lieutenant Wood has communicated to me the contents of your note to him of this date. Permit me to say, in reply to your allusions to the course I have thought proper to pursue, that you mistake me much if you suppose (as you seem to do) that a mere desire to embarrass or annoy you, or the officers under you, has prompted me to write the letters which have been returned to me. The fact that little or nothing has been done to make me or my fellow-prisoners decently comfortable, is self-evident to any one who chooses to inspect our quarters, and it was on that account that I chose to speak in terms

of indignant denunciation of those who are responsible for the privations I suffer. If I made, or sought to make, the officers of the garrison the 'instruments' to convey my complaints, it was because I am denied any other alternative. The invidious allusions which you have deemed it necessary to make in regard to me, I need not, and do not propose, now, to discuss. But you will permit me to remind you that if you have duties to discharge, I have rights to vindicate. The only one of these which has not been absolutely destroyed, is the right of free speech within the narrow bounds of my prison, and this it is my duty and purpose to defend to the last. In the exercise of this poor privilege, I wrote the letters which I knew were to pass into your hands. As you have forwarded to the Adjutant-General the correspondence between Lieutenant Wood and yourself, I beg that you will do me the justice to forward also this note. I remain,

Your obedient servant,

F. K. HOWARD."

To the foregoing note, he wrote this reply:

"HEADQUARTERS, FORT HAMILTON,
New York Harbor, 24th October, 1861.

"SIR: Please say to Mr. Howard, that I cheerfully forward his note of the 23d instant, to Colonel Townsend, agreeably to his request.

"However much the efforts of this Government have fallen short of the expectations of the prisoners, to make them as comfortable as they may desire, still I must say that every exertion is being made by the Government for that purpose, and such exertions will certainly be continued.

" Very respectfully, your obedient servant,

MARTIN BURKE,
Colonel Commanding.

" Lieutenant WOOD, Commanding Fort Lafayette."

My father, to whom Colonel Burke's letter had been read, wrote to the Secretary of War, denying Colonel Burke's allegations, and charging him with neglect of duty:

"FORT LAFAYETTE, October 23, 1861.

"Hon. SIMON CAMERON, Secretary of War, Washington, D. C.

"*Sir:* The orderly sergeant has this morning, by order of the commanding officer of this post, read to me, in presence of a number of persons, a letter from Colonel Martin Burke to Lieutenant C. O. Wood, written in reply to a communication from the Lieutenant to him. Copies of both of these letters, Colonel Burke states, he has forwarded to Washington. I have asked for a copy of the Colonel's letter, but have not learned whether it will be given. In that letter, which is evidently intended as a rebuke to some of those confined here, Colonel Burke has undertaken to allude to the character and standing which my family have borne, for the purpose of introducing an offensive imputation, that one member of it has acted in a manner unbecoming a gentleman. This charge, I claim the right distinctly and directly to repudiate, and I have also to demand that an inquiry be made under your authority into the conduct of Colonel Burke and Lieutenant Wood, in relation to their treatment of those confined at this place. I now formally charge Colonel Burke with conduct unbecoming an officer, and also with neglect of duty. He has not, so far as any prisoner here is aware, been within this Fort since on or about the 5th day of August last; and in undertaking to judge of Lieutenant Wood's manner of discharging his duty toward the prisoners under his charge, he must have acted upon the statements of that officer himself. The surgeon of the post, and one other officer from Fort Hamilton, have occasionally exchanged a few words with some of the prisoners, but whenever any of the latter have attempted to make any representations to them of our condition and treatment, both of those officers have declared that those matters are not in any manner within the sphere of their duties. There has, therefore, been no inspection of this prison, in which upwards of one hundred prisoners are confined, which would enable Colonel Burke to judge of the accuracy of the reports which he may have received. In the absence of all such means of knowledge or information, Colonel Burke has stated, in an official letter, that Lieutenant Wood, an officer under his command, has 'devoted his whole time to promoting the comfort of prisoners' here, or words to that effect. This statement I charge to be

not warranted by the facts, and to be entirely incorrect. I charge and aver, that Lieutenant Wood has not only not devoted all, or even much of his time, to the promoting of our comfort, but that on the contrary, he has neither in his general bearing, nor in his conduct toward those consigned to his custody, paid that attention to their comfort, which even under the circumstances which the Government deemed sufficient to warrant their imprisonment, they have a right to demand. The immediate cause of the rebuke attempted to be administered to us by Colonel Burke, was a letter written to a friend by Mr. F. K. Howard, my son. However strong may have been the language used in that letter, it was the natural expression of feelings which are shared by every prisoner here, whose opinion I have heard. Among these are many gentlemen of as high character and standing as any in the country. No intimation has been given by Colonel Burke, that any specific fact stated in the letter was not true. Should he controvert a single one, my relations to the writer of the letter, and the mention made by Colonel Burke in his official communication, of my family, to say nothing of the assurances voluntarily tendered to me by you in Fort McHenry, as to the mode in which the Government considered me as entitled to be treated, justify me in demanding an opportunity to substantiate it. Having already addressed to you three communications, from this place, of which no notice appears to have been taken, I should not again have troubled you, but that the issue I have now to make with Colonel Burke, involves matters of a personal character to myself, and that I make direct charges against him and Lieutenant Wood, derogatory to their official positions, as officers of the army.

"I hope, therefore, I may not be mistaken, in trusting that this communication may receive your early and serious attention.

"I am sir, your obedient servant,

CHARLES HOWARD."

As usual, this letter was unnoticed by the authorities in Washington.

In the miserable place which I have attempted to describe, we passed the period between September 26th and October 30th. The batteries were very dark when the doors

were closed, and very cold when the doors were open. We were locked up every night from dusk until sunrise; and lights had to be put out at nine and a half o'clock. In such a crowded place it was almost impossible to read or write. We found it difficult sometimes to keep ourselves warm enough even with the aid of overcoats. At times again, the atmosphere of the room would be positively stifling. Some one or more of the inmates were constantly under medical treatment, and it may be imagined how noisome and unhealthy the room often was. As prisoners were, from time to time, discharged from the casemates, the remaining inmates would invite one or more of those in the gun-batteries to fill the vacancies, permission to do so being first asked of the Sergeant of the Guard. These invitations were given, not because the casemates were less crowded than the batteries, but because the first stranger who should be brought in, would certainly be put in the place of the prisoner who had been last discharged, and, as the casemates were to be kept filled to their utmost capacity, those occupying them preferred to have their friends and acquaintances for their companions. Small and crowded as the casemates were, they were, nevertheless, a little more comfortable than the batteries, from having fireplaces and wooden floors. I was fortunate enough to get into one of these casemates after I had been some two weeks in the Fort.

About ten days before we left Fort Lafayette, Lieutenant Wood chose to make the prisoners responsible for the drunkenness of one of the soldiers, and prohibited the further use of liquor, of any kind, among the prisoners. It was discovered, a few days afterward, that some of the soldiers had stolen some of our liquor from the room in which Lieutenant Wood kept it, and to which the prisoners had no access. It was also discovered that the soldiers got liquor from the Long Island side, one of the crew of the boat having been detected in smuggling it into the Fort for their use. These facts sufficiently account for the drunkenness of the soldiers, but Lieutenant Wood did not, on that account, relax his

new rule. While we were allowed the use of liquor, no abuse of the privilege came under my observation, nor do I believe there was any. Just before the new restriction was imposed on us, I had received from New York two small boxes of liquor containing a dozen and a half bottles, which passed, as usual, into Lieutenant Wood's keeping. The prohibition which followed, prevented my using any of it, and, when we were about leaving, I requested Lieutenant Wood, through one of the sergeants, to send it on with me in charge of the officer who would have us in custody. This he did not do, and I never saw more of it. One or two of the prisoners afterward received, at Fort Warren, the liquors that they had left at Fort Lafayette, and one of the officers at the former post informed me that there were some boxes on the bill of lading which did not reach Fort Warren. Whether any of my stores were among these boxes, I am unable to say. I only know that I never received the liquor which Lieutenant Wood had, and that many of my companions suffered in the same way.

Those of our friends who obtained passes to visit the Fort, did so with great difficulty. The Government seemed to have a strong disposition to exclude all strangers from the place. Six weeks before my arrest, I had made every effort to procure a permit to see my father, but could not succeed in getting one. Some New York politicians, however, were more favored. One of them, especially, Mr. William H. Ludlow, could enter the Fort at his pleasure, and see whom he pleased. On several occasions when he made his visits, he sent for different individuals, to whom he represented himself as possessing great influence at Washington, and offered to try and procure their release, provided he was paid for it. What he received altogether I do not know; but I do know that he received two retaining fees, namely, one hundred dollars from one gentleman, and one hundred and fifty dollars from another. From the latter he had a promise of a contingent fee of one thousand dollars. I do not believe he rendered any service to his clients, both of whom were taken

to Fort Warren and exchanged or released nearly four months afterward.

The private soldiers at Fort Lafayette were worthy followers of their commanding officer. They were uniformly as brutal in their manners toward the prisoners as they dared to be. The sergeants, however, who were there when I was, were generally civil, and were as kind as they had an opportunity of being. But, if the situation of those who were fortunate enough to enjoy good health was almost insupportable, the condition of the sick was far worse. No provision whatever was made for them. Men suffering from various diseases were compelled to remain in their close and damp quarters, and struggle through as best they could. One man, "a political prisoner," had an acute attack of pneumonia, and lay for ten days in a damp, dark gun-battery, with some thirty other prisoners. One of the privateersmen was dangerously ill with the same disease in the casemate in which so many of them were huddled together. When I obtained permission to carry him some little luxuries, I found him lying on the floor upon two blankets, in a high fever, and without even a pillow under his head. He would have remained in the same condition had not the "political prisoners" relieved his necessities. It was not until he seemed to be drawing rapidly toward his end, that he was sent to a hospital, somewhere on Staten Island.

Among the pettier annoyances we underwent, the trouble we had about our washing may be mentioned. At first, we were allowed to send our clothes over to Long Island, where they were well enough washed, but, for some reason best known to himself, Lieutenant Wood interfered, and determined to have the washing done inside of the Fort, under his own supervision. It must have been a very fair speculation for him, for his charges were high, and the work was so carelessly performed, that he must have employed the fewest hands possible to do it. What he charged me by the piece, I cannot say, for he helped himself to his bill before he handed over my money to the officer who escorted us to

Fort Warren. Probably it would not have been altogether safe to have demanded an account, for one of the sergeants was put under arrest for complaining, as he stated to the prisoners, of Lieutenant Wood's prices for washing. On one occasion, Lieutenant Wood, in full view of the prisoners, kicked one of his boat's crew from the door of his own quarters, and continued the assault until the man had retreated almost the whole length of the balcony upon that side of the Fort. I mention this as an illustration of his mode of dealing with his subordinates. Of the propriety and manliness of such a proceeding, on the part of the commanding officer, others can judge for themselves.

Many of the prisoners had friends and acquaintances in New York, but most of these were either afraid, or did not care to show any kindness or attention to parties who were under the ban of a suspicious and tyrannical Government. Some few people in that city had the courage and inclination to render us any service in their power, and prominent among these was Mr. Cranston, of the New York Hotel; but the number of those who thus acted was singularly small.

I cannot take leave of this portion of my narrative without recording the obligations under which the prisoners in Fort Lafayette must ever remain to Mrs. Geo. S. Gelston and Mr. Francis Hopkins, who lived on Long Island just opposite the Fort. They were unwearied in their efforts to alleviate our situation. Day after day, for weeks and months together, they manifested their good will in the most generous and substantial way. Food for those who were too poor to buy a decent meal, delicacies of all kinds for the sick, luxuries for others — all these were supplied by Mrs. Gelston, with a bountiful and untiring hand. To her tender sympathy and generosity, very many of the prisoners were indebted for comforts which were absolutely necessary to enable them to endure the privations to which they were exposed; and I know I but inadequately fulfil the wishes of every one of the former inmates of Fort Lafayette, in thus giving public

expression to thanks which they had no opportunity to return to their good friends in person.

It is scarcely necessary to say, that our opinions as to the sort of resistance we should offer to our oppressors, underwent no change in consequence of our cruel imprisonment in Fort Lafayette. I found, on reaching there, that my father and most of his companions had taken the same view of their duty under the circumstances, as we had done; and with every day's prolongation of our sufferings, we were the more and more convinced, that with a despotism so atrocious, we ought to make no compromise.

THE STEAMBOAT "STATE OF MAINE."

On the afternoon of the 28th of October, we were notified to prepare to leave Fort Lafayette on the following morning. We were then locked up in the various casemates and batteries for the rest of that day. The next morning our baggage was sent out to the wharf, we being still kept in close confinement, and a little after midday our baggage was brought back, and we were informed that the boat would not be ready that day. We were kept under lock and key all that day, and only permitted to go out to dinner. There was no conceivable reason for this last act of insolent harshness. On the morning of the 30th, we left the Fort on a small steamer, with a file of soldiers, and were carried up to Fort Columbus, on Governor's Island, and alongside of the steamer "State of Maine," which was lying at the wharf. She was a very ordinary-looking river steamer, very low in the water, and very dirty. Her upper forward deck was covered with soldiers. She had been engaged in transporting soldiers and horses, and an experienced sea-captain of our party, who managed to evade the sentinels and go over the vessel, informed me that between-decks forward of the shaft, she was perfectly filthy. There were about one hundred and ten of us, and we were sent on board of the "State of Maine," and directed to pass into the upper after-cabin. This cabin was long and dark, and in it there were about twenty-two or three

small state-rooms, each containing two berths. It opened, aft, upon a covered deck, which was so small that, when our party collected there, it was considerably over-crowded. Just beneath the deck on which we were was the dining-saloon, along the sides of which ran a double tier of berths. There may have been about twenty or twenty-five of these altogether. The whole after part of the vessel could not decently accommodate the one hundred and ten prisoners then on board. To our astonishment we learned that not only were we to take on board some seventeen "political prisoners" from Fort Columbus, but that the officers and soldiers who had been taken prisoners at Fort Hatteras were to join us also. These numbered six hundred and forty-five. Remonstrance or complaint was useless. These additional prisoners were marched on board, the officers and "political prisoners" being sent to the after part of the boat with us, and the privates being packed in forward of the cabin, wherever it was possible for them to find standing-room.

We did not get away from Fort Columbus until about 4½ P.M. While we were still lying at the wharf, it seems to have occurred to some of those in charge of us, that it was part of their duty to offer us something to eat. A large wicker-basket, lined with tin, was then brought up full of water. It had been made to hold dirty plates and dishes, and had been used for that purpose, apparently, time out of mind, on the steamer. A soldier then brought up a box of crackers, and another appeared with a tin plate, which was several times replenished, containing large square pieces of boiled pork. Nine out of ten of these pieces were solid lumps of pure fat. A couple of old dirty-looking horse-buckets of coffee were also provided. Such was the dinner furnished us. After this I saw no more of the pork, nor do I think there was any more on board, at least for the prisoners. Hunger compelled some of the prisoners to try and swallow the masses of blubber which were offered them, but many were unequal to the effort. A large proportion of the party dined, therefore, on crackers and water. When we started,

we had on board one hundred and twenty-seven "political prisoners," six hundred and forty-five prisoners of war, and one hundred Federal soldiers, besides the officers and crew of the steamer. I subsequently learned that the only stores put on board for our subsistence consisted of one thousand and six pounds of hard bread, one hundred and twenty-eight pounds of coffee, and two hundred and fifty-eight pounds of sugar.

Thus loaded down almost to the water's edge, we headed for Long Island Sound. The discomfort of our situation cannot be described. Moreover, we all knew, for the naval officers among us had so said, and the officers of the boat admitted, that the vessel was, in her then condition, utterly unseaworthy, and that, if a moderate gale should catch us at sea, the chances were largely in favor of our going to the bottom.

About dusk, I heard that supper had been prepared, in the dining-saloon, for the officers who had us in charge, and that, as far as it would go, those of us who chose to pay for it, could partake of it. It was, at the same time, stated that the officers of the boat had received no notice of the number of the prisoners she was to carry, and had not made the slightest provision for them. Under such circumstances, but very few of us could get a single meal in the dining-saloon. By dint of great patience and perseverance, I succeeded in getting some supper about nine o'clock at night. The next day, after many ineffectual efforts, I managed to get a very late breakfast, and that was the last meal I got from the officers of the boat or Government. I was far better off, however, than the mass of my companions; for Mrs. Gelston again stood our friend. She had heard we were to leave Fort Lafayette, and had thoughtfully sent to those occupying the casemate in which I was, a huge basket of provisions for our journey. It contained pheasants, chickens, tongues, pies, and other delicacies, and one of my room-mates, Mr. Warfield, and myself, consented, or, perhaps, volunteered, to take it under our especial charge during the journey. On

these stores, I and my former room-mates lived for the ensuing two days, sharing them, however, as far as we could, with other friends. But our supplies were wholly insufficient to meet any but the most limited demand, and we could extend our invitations to but few. Most of the prisoners had to put up with the hard bread and coffee during the two days and nights we remained on board.

Just before dark, the clerk of the boat came on the after-deck to distribute the keys of the few state-rooms assigned to us, which, until then, had been kept locked. The North Carolina officers had the berths in the dining-saloon. There were, as already mentioned, about twenty-two state-rooms altogether in the upper after-cabin, and one or two of these were used for different purposes by the officers of the boat, and one or two others could accommodate but one person each. It was obvious that not more than one-third of us would get any beds. Here, again, I was very fortunate, for I happened to be standing by Governor Morehead, to whom the clerk gave the first key, and I was able to secure one. Those who failed to obtain berths, either in the dining-saloon or state-rooms, and they constituted a very large majority of the party, had no alternative but to drop down wherever they could, and try to sleep. After those who had beds had retired, the cabin presented a scene that no man who was present will be likely to forget. It was densely packed with men in every possible position. Upon each of the hard wooden settees, two or three persons had contrived to stow themselves in half-recumbent positions that were little likely to afford them the desired rest. Those who had chairs were sleeping on them, some sitting bolt upright, and some leaning back against the sides of the cabin. But many could get neither chairs nor places on the settees, and these were lying or sitting upon the floor. Over the latter had been strewn bread and pieces of fat pork, all of which, being saturated with the expectorations of numberless tobacco-chewers, had been trampled into a consistent mass of filth by the feet of one hundred and fifty men. Some of the unfortunates, whom

absolute weariness had compelled to lie down on the floor, were lucky enough, as they esteemed themselves, to obtain some newspapers, which they spread between the dirt and their persons; others had to take the floor as they found it, and the vacant spaces were so limited that many were not even allowed a choice of places. As for the prisoners of war, the privates, they seemed to have slept, if they slept at all, wherever they could manage to stretch themselves. We were not suffered to go among them, but I could see from the door of the dining-saloon, the morning after we started, that they were lying about between decks, on piles of coal, coils of rope, or the bare floor.

We reached Fort Warren about dusk on the evening of the 31st, and Colonel Justin Dimick, who commanded the post, came on board. He said that he had only expected one hundred and ten prisoners, that not the slightest notice of the coming of the prisoners of war had been given, and that he was wholly unprepared to receive us. He, however, ordered some three hundred of the North Carolina soldiers ashore, and said the rest of us must remain that night on board. Thus we had another cheerless and wretched night to look forward to. It passed like the previous one, and we were only too glad when day dawned, well knowing that whatever might happen, our situation could not be made worse.

That morning, before we left the boat, I vainly endeavored to procure a glass of drinkable water. There was none to be had on board. The only supply of water left, was stale and foul, and was used for washing, though not fit for that purpose. I was too thirsty to be particular, and having disguised the color and flavor of a glassful by pouring into it a teaspoonful of essence of ginger, I made shift to swallow it. I then breakfasted on the scraps which remained in our basket, and prepared to go ashore.

This account of the privations to which we were subjected on that occasion, I have neither over-stated nor over-colored. On a convict ship our position could have been no worse, and

even on such a vessel, more regard would be manifested for the safety of the prisoners than was shown for ours. And all this was endured by numbers of gentlemen who would be disparaged by being compared, in point of character, intelligence, and position, with Mr. Lincoln, Mr. Stanton, or Mr. Seward. It was an extremely fortunate thing that the weather was fine, and the sea calm, after we passed out of the Sound. Wretched as our situation was, it would have been aggravated tenfold, had many of the prisoners suffered from sea-sickness. We were, however, spared such addition to our troubles. I need not, therefore, surmise how miserable in such a case our lot would have been, nor what would have been the inevitable result of our being overtaken by such a gale as set in the very night after we reached Fort Warren. With a very little forethought and trouble, and a very slight expenditure of money on the part of the Government, or of those of its officers who were charged with our transportation to Fort Warren, our journey might have been made in tolerable decency, if not comfort. As it was, we were treated with as little consideration as cattle. The brutality that characterized the higher officers of the Government, seemed, as far as we could then judge, to be equally conspicuous in most of their subordinates.

FORT WARREN.

When we reached Fort Warren, late in the afternoon of the 31st, Colonel Dimick came on board, as I have stated, and informed us that he had only expected about a hundred "political prisoners." He invited several gentlemen to go ashore and see the quarters he had set apart for us. Among these were Commodore Barron, Mayor Brown, and Messrs. Faulkner, Charles Howard, and Kane. They hurriedly inspected the various rooms by candle-light, and after about an hour's absence they returned. That night they selected their quarters and their room-mates, as Colonel Dimick had requested them to do.

About ten o'clock the following morning we landed, and

were marched into the Fort, where the roll was called, and we were shown to our respective quarters. The Fort is situated on an island containing forty-three acres, nearly the whole of which is covered by the fortifications. The interior work is built in the most substantial manner, of granite, and encloses a space of some five or six acres. It is an irregular structure, which it is impossible for me to describe accurately. The five principal sides are each about three hundred feet long. Two of these sides are divided into deep casemates, on a level with, and opening on the parade-ground. One other side contains rooms intended for officers' quarters. There were ten of these rooms on a level with, and looking out on the parade-ground, and immediately in the rear of these were ten more fronting on the space between the curtain and an exterior work. Beneath these twenty rooms, both in front and rear, there were twenty more of the same size as those above, the inner or front ones being, of course, basement rooms, and opening upon an area about seven feet wide and ten or twelve deep, and those in the rear looking out on the space between the interior and exterior works above mentioned, which was below the level of the inside enclosure. Between the front and rear rooms, above and below, there were also two very small dark rooms, intended, I presume, for store-rooms. All the interior or front rooms were lighted by large windows, and those in the rear by narrow loop-holes, about six inches wide at the outer edge, and four or five feet high. The upper rooms were all neatly finished, and those in front were very light and airy. The lower rooms had cement floors, and were much less desirable. Sixteen of the rooms I have attempted to describe were assigned to the "political prisoners," and the officers who were prisoners of war, viz.: four front rooms opening on the parade-ground, and four immediately beneath them, and eight just in the rear of these, together with the smaller rooms or closets which separated the front and rear rooms. One large, long casemate, in another side of the Fort, was devoted to the same purpose. Commodore Barron and several of the army officers

with him, and Marshal Kane, selected one of the four upper front rooms; the North Carolina officers of the highest rank another; the Baltimore Police Commissioners another; and the Mayor of Baltimore and Messrs. Morehead and Faulkner the fourth. These several parties having, in accordance with Colonel Dimick's request, made choice of their rooms, also selected as their companions, in their new quarters, those who had been their room-mates at Fort Columbus and Fort Lafayette. I thus found myself again among my old room-mates. The other prisoners, generally choosing their own room-mates, were quartered in the other rooms and in the casemate before mentioned. The crowded condition of the room I occupied will illustrate the situation of our fellow-prisoners. This room was nineteen and a half by fifteen feet, and one of the little closets of which we had the use was ten by ten and a half feet. Into this room and closet, nine of us were crowded. So close together were our beds, that it would have been impossible to have put another one in the room without blocking up the doors. There was scarcely space enough for another, even in the middle of the floor. Those who got into the long casemate were far worse off than their other fellow-prisoners. This casemate was, I should suppose, less than fifty feet long and less than twenty wide, and so crowded was it, that the inmates were compelled to sleep in bunks which were arranged one above the other, in three tiers. They had also to cook their meals in the same room.

When we were installed in our quarters we began to look around to see what sort of provision had been made for us. As we had been told that at least a hundred of us had been expected, we naturally took it for granted that something had been done to make us tolerably comfortable. Our former experience ought to have prevented us from entertaining any such hopes, but we were not long under any delusion. No preparation had apparently been made for one single prisoner, except that fires were kindled in the various rooms. Colonel Dimick, whose demeanor toward us was on all occasions that

of a gentleman, seemed to be annoyed at the position in which he found himself. He informed us of his inability to provide for us decently, and expressed his regret at the fact. But his good feeling could not much alleviate our situation. Not a bedstead, bed, blanket, or chair was then furnished any of us. Those of us who had carried on the bedding we had purchased at Fort Lafayette, were able to lend a few articles to our friends, but the great majority of the prisoners were forced to sleep upon the floor, upon their great-coats and the few cloaks and shawls they happened to have or could borrow. This state of things continued two or three weeks, at the end of which time, Colonel Dimick managed to have the furniture, which had been so tardily provided for us at Fort Lafayette, sent on to Fort Warren. In the mean time, many had, at their own expense, supplied themselves from Boston with necessary articles, but the others had to shift for themselves as they best could, until the arrival of the furniture from our former prison. The day we landed, the only dinner provided for us consisted of a barrel of crackers and a couple of raw hams, which were placed on the head of a flour-barrel, in front of our quarters. We were informed that the Government would allow us the ordinary soldiers' rations, but that we would have to cook them ourselves, and a place would be given us for the purpose. Mr. Hall, the purveyor for the laborers and officers at the post, agreed to furnish us that evening with supper. It consisted of cold, boiled salt beef, bread, and bad coffee, which however, we were hungry enough to eat with considerable relish. This was the only meal we had that day, or until noon the day following. Not know ing exactly how we could manage our rations after they should be distributed to us, a number of us, by Colonel Dimick's permission, requested Mr. Hall to furnish us two meals a day, at least until we could make some other arrange ment. This he agreed to do at the rate of one dollar a day each, and a good business he must have made of it, for scantier and worse entertainment we had never seen provided at anything like half the price. We were forced, however, to

continue this arrangement for a week, at the end of which time we took matters into our own hands. We obtained the use of two casemates and cooking-stoves, and established two clubs or messes, and engaged some of the North Carolina prisoners to cook and wait in the mess-room, and also to attend to our quarters. As there was a Government boat running regularly between the Fort and Boston, we ordered daily supplies of meats, milk, and vegetables, and, with the addition of our rations, were enabled to live with reasonable comfort. After the North Carolina prisoners were exchanged, we from time to time got servants from Boston, almost invariably foreigners, and continued, though at an increased expense, to live as we had previously done.

In speaking of our treatment, I speak solely of the "political" or "state prisoners." As I know nothing of the way in which prisoners of war are entitled to be, or usually are dealt with, I have nothing to say upon that point. I will merely state that the North Carolina prisoners, numbering about six hundred, exclusive of their commissioned officers, were confined in eight casemates. They were thus terribly crowded. During the first two or three days they had scarcely anything to eat. I do not know the cause of this, but the fact is, that they absolutely suffered from hunger. Afterward they received their rations regularly, and large boilers were placed in front of their quarters for them to cook in. These were in the open air, and not in any way sheltered, and the men had to cook there in all kinds of weather, during the time they remained, which was until they were exchanged, in February, 1862.

In front of the range of rooms occupied by the "political prisoners," and about ten yards off, sentinels were placed, and beyond them we were not allowed to go. The officers who were prisoners of war, were permitted to walk about the whole island, both within and without the Fort, on their parole; but we were confined to the space, some hundred yards long by ten wide, between our quarters and the line of sentinels just mentioned. This regulation was enforced

for nearly six months, and, as we understood at the time, was specifically directed by the Government. During that time, we were kept strictly within those narrow bounds. Why men who were taken with arms in their hands were less rigorously treated than we, was obvious. The Confederate Government could exact certain rights for them, but there was no power or law in this part of the country to protect us. The day after our arrival, I wrote to my wife this hurried account of our journey from Fort Lafayette:

"FORT WARREN, Boston Harbor, Saturday, November 2.

"We have arrived here safely, and a more uncomfortable set of human beings have never, I trust, been collected before in these quarters. We left Fort Lafayette on Wednesday morning, and, together with the prisoners from Fort Columbus, came here on one of the Sound steamers. There were about four times as many on board as the vessel could accommodate, and the only food which the Government provided was bread and fat pork and a liquid called coffee. I saw the most prominent gentlemen of Maryland, Kentucky, and Virginia drinking what purported to be coffee, out of a dirty horse-bucket, while water was served out to them from a large tin, such as is used to hold the greasy plates after dinner. Pieces of fat, about two inches square, were handed round to those who could swallow them, and a man's fingers constituted the table furniture. A number of elderly gentlemen could not at night find a place to sit; and scores of my friends slept for two nights upon the floors, which were the filthiest that you are ever likely to see. At this place no provision whatever had been made for us. Many of the rooms are not fit for the accommodation of human beings in the winter months in this climate. No beds have been furnished, and none are to be — a sack of straw being the only thing which the Government will supply. Even such bedding as this has not arrived. We have been here twenty-four hours, and most of the party have lived on a little raw ham and bread, and have slept on the floor. Not even a blanket has been given us. I have managed to get along better than most of my fellow-prisoners, for I brought my mattress and a basket of provisions. I also was lucky enough to secure a state-room. The privations I have

suffered, serious as they were, have been light compared to those which numbers of my companions have endured. It is now ten o'clock, and we are as yet vainly trying to get some breakfast, which a caterer from Boston has agreed to furnish. I thus give you the brief outlines of this phase of our story. It is not necessary that I should supply the comments. I will write again when I have had a little time to look about me. The officers, as far as I can judge, are polite and kind, which in my late experiences is a novelty. It has been our misfortune to meet but few, if any, gentlemen, thus far, and a change in that particular will be grateful."

I give this letter at length, because it was returned to me by order of Colonel Dimick, who sent me word that his instructions prohibited the transmission of any such intelligence as I had attempted to send my family. It is evident, from the suppression of so simple a statement of facts, that the Government had determined to resort to all the means in its power to prevent the victims of its tyranny from making their situation known to the public. We were specifically ordered not to discuss public affairs in our letters. It is needless to recapitulate all the admonitions we received upon this point. The following examples will suffice. On the 8th of April, 1862, a letter was returned to a "political prisoner" with this note, in Colonel Dimick's handwriting:

"The Government require the gentlemen at Fort Warren to avoid, in their correspondence, discussing the differences between the North and South, or giving any account of the battles between the contending forces. This letter is, therefore, respectfully returned."

An order relating to the letters of prisoners was posted in our quarters on the 10th of April, which concluded thus:

"Military and political subjects must be avoided in all correspondence.

Lieut. JAMES S. CASEY, U. S. A.,
Officer in Charge."

Notwithstanding these regulations, we continued to discuss, from time to time, the forbidden subjects; and, as a large number of letters were to be inspected every day, many, which were in violation of the above orders, found their way to our friends. But this happened, I suppose, because the examining officer had not time to read the letters very carefully, for the rules were never directly relaxed or modified.

After we had been a few weeks in Fort Warren, an order, touching the employment of counsel by prisoners, and signed by Mr. William H. Seward, the Secretary of State, was read to us by the United States Marshal for the district. We were unable to procure an exact copy of that order, but we afterward obtained a copy of a similar one, which was read somewhere about the same time, to the prisoners then in Fort Lafayette. This latter order was signed by a Mr. Seth C. Hawley, Chief Clerk of the Metropolitan Police Commissioners of New York, who subsequently visited us also. He was acting, as he stated, under Mr. Seward's directions. (See Appendix.)

From time to time, offers were made to different prisoners to discharge them conditionally. Sometimes an oath of allegiance, which bound the party taking it to support the "United States Government," notwithstanding any action which his State might take, was proposed as the price of his release. This was almost uniformly declined. Then various forms of parole were proposed, which bound the respective parties either not to go into the seceded States, or not to go into the Border States, or not to correspond with any one in any of those States, or not to take up arms against the Government. The simplest parole, in form, merely imposed an obligation not to give "aid and comfort to the enemies in hostility against the United States;" but, as any discussion of the corruption or imbecility of the Administration was regarded by it as treasonable, this form of parole was, probably, for its purposes, the most comprehensive. Many of the prisoners accepted some or other of the terms proposed, and were released; others declined to make any concessions what-

ever, insisting that, as they had been arbitrarily imprisoned, they would not recognize the right, which Mr. Lincoln claimed, to impose upon them any conditions. It is to those who took and maintained this ground that the ensuing portion of this narrative mainly refers.

One fact, however, concerning the negro servants of the prisoners of war, may be worthy of mention. There were with the officers, who were taken at Fort Hatteras, three negroes, two of whom were slaves. At Fort Columbus, the Government had offered them their discharge on taking the oath of allegiance, which they had declined. At Fort Warren, the oath was again tendered to them, and again refused. Finally, they were offered their liberty, on giving their simple parole not to do anything hostile to the Government. They inquired whether, if they went out on such conditions, they would be furnished with passes to go South. They were told these could not be granted, and they then refused to accept the terms offered them. They were bent on returning to their old homes in North Carolina; and one of them took very high ground in the matter, saying, in reply to an inquiry about his refusal to give his parole, that he "wanted to go out honorable." They subsequently went back to North Carolina with the Fort Hatteras prisoners, when the latter were exchanged.

On the 14th of November, a notice was posted in the doorway of our quarters, signed by Mr. Seth C. Hawley, apprising us of his intention to visit Fort Warren for the purpose of inquiring what prisoners would take the oath, as a preliminary to the investigation of their several cases. On the following day Mr. Hawley appeared, and in pursuance of his purpose, called on the prisoners in their quarters. Almost every one rejected his proposition, many taking occasion to couple with their very unequivocal refusal, expressions of contempt for Mr. Hawley and those who sent him.

Several of the members of the Legislature, desiring to put in writing the reasons for their refusal to submit to the conditions which Mr. Hawley came to propose, signed and handed

to him a paper which Mr. S. T. Wallis had drawn up as his own answer to the inquiry:

"FORT WARREN, November 15, 1861.

"Mr. SETH C. HAWLEY:

"*Sir:* A notice signed by you appeared, this afternoon, upon the walls of the quarters in which we are confined. We quote it, in full, as follows, viz.:

"'The undersigned, appointed by the Secretary of State, U. S., to examine into the cases of the political prisoners at Fort Warren, desires those prisoners to be prepared, to-morrow, to answer the question whether they would severally be willing to take the oath of allegiance to the Constitution and Government of the United States, if they should be set at liberty. Further inquiry into each case to depend upon the answer. To-morrow there will be an opportunity to answer the question.

(Signed) SETH C. HAWLEY.

"'Fort Warren, November 14, 1861.'

"We presume we are among those whom you designate as 'political prisoners,' and supposing that you may call upon us, to-morrow, to answer the inquiry which you have indicated, we desire to furnish our reply in our own language, in order that we may not be misunderstood or misrepresented.

"As we understand your notice, 'further inquiry into each case' is to depend upon the willingness of the individual to take the oath which you propose; that is to say, that no man's case will be inquired into, unless he first signify his willingness to swear as required. We have now been in confinement for more than two months. We were arrested, without process or form of law, upon the alleged authority of the Secretary of State of the United States, who clearly has no lawful authority, whatever, in the premises. We have been dragged from one fortress of the Government to another, by military force, and have been dealt with in a manner which would have been indecent if we had been convicted felons, instead of freemen, accused of no offence against the laws of our country. We have been separated from our homes and families, and exposed to constant suffering and privation, to the injury of health, the prejudice of our interests and good name, and in flagrant violation of every right which

we have inherited as American citizens. More than this, as members of the Legislature of Maryland, we have been unlawfully withdrawn from the performance of our official duties, in derogation of the constitutional rights of our State and her people. To tell us, after all this, that our 'case' has not even been inquired into, thus far, and that it will not even now be made the subject of inquiry, by the Government at whose hands we have suffered so much wrong, unless we will first submit to conditions as unlawful and arbitrary as our arrest and imprisonment, is to offer to each of us an insult, which we should forfeit our self-respect if we did not repel.

"If we are accused of having committed any offence known to the law, we are entitled to be lawfully and publicly charged therewith, and to be tried—not by you, nor by the Secretary of State—but by the constituted tribunals of the district from which we have been violently and illegally removed. If we have been guilty of no crime against the law, we are entitled to be discharged, without any terms or conditions; and the Secretary of State—if you really represent him—is only visiting us with an additional outrage, by attempting to impose such upon us.

"We are your obedient servants,

E. G. KILBOURN,	WM. G. HARRISON,
S. TEACKLE WALLIS,	HENRY M. WARFIELD,
T. PARKIN SCOTT,	J. HANSON THOMAS."

The reasons which influenced the parties to the foregoing document were the same that operated upon all those who declined to make any compromise with the Administration. We still felt, in addition to our own sense of personal wrong, that the cause of constitutional liberty in our State was at stake, and that, as far as our efforts would avail, we were bound to defend it. A refusal to acquiesce in the proceedings by which the Government had outraged the people of Maryland, was the only mode of resisting arbitrary power that was left to us, and we had no hesitation in adhering to our course. But while we, in Fort Warren, were thus endeavoring to discharge what we felt to be our duty in such an exigency, we were hopefully looking to those who were differently situated to support us Armed resistance on the

part of the people of our State would, we well knew, have been utterly vain; but we hoped there would, at least, be a continual and vigorous assertion of their rights from all whose position gave them any influence, or any opportunity of making themselves heard. We thought it possible that when Congress met, it might manifest a disposition to compel Mr. Lincoln to surrender the power he had usurped, and conform thenceforth to the plain dictates of the Constitution and the laws. In this we were disappointed. Some few brave and honest men manfully denounced the course of the Administration, but an overwhelming majority of both Houses, while uttering unmeaning platitudes about our "free Government," our "indestructible Constitution," and our "inalienable rights," subserviently supported every despotic and infamous act of Mr. Lincoln and his advisers. Others held their peace.

After the Proclamation of February 14th (see Executive Orders, Nos. 1 and 2, Appendix) was issued, Colonel Dimick was authorized to release a number of persons upon their signing a parole not to give "aid or comfort to the enemies in hostility to the United States;" and some weeks after the appointment of Mr. Stanton's commission, orders were received for the release of other parties upon the same conditions. A number still refused to accept the proffered terms. Two of them, Messrs. Wm. H. Gatchell and Wm. G. Harrison, gave their reasons for so refusing, in the following letters to Mr. Stanton:

"FORT WARREN, February 22, 1862.

"Hon. E. M. STANTON, Secretary of War:

"*Sir:* I have been arrested and imprisoned for nearly eight months, in violation of the Constitution and laws of the United States, having *never* committed any offence against either.

"I am not, in any legitimate sense, the subject of an amnesty. That, as I have always understood, is an offer of pardon *by the offended to the offending party.* The proclamation and the parole are to be taken together, and they reverse the order of things.

"I cannot consent to any terms which even seem to justify

the action of the Government toward me, or will place me in any different condition from all other free citizens.

"Your obedient servant,

WM. H. GATCHELL."

"FORT WARREN, February 22, 1862.

"Hon. EDWIN M. STANTON, Secretary of War:

"*Sir:* As a member of the Legislature of Maryland, I was taken from my dwelling-house, at midnight of the 12th of September last, by the military police of the city of Baltimore, and have since been incarcerated in several prisons, and now nearly four months in this one, Fort Warren. I was told my arrest was by orders from Washington. I refused any release, except an unconditional one, because I will not seem even to acquiesce in an act which has violated one of the most sacred bonds of our Government. (Vide Article 4th, Amendments to the Constitution.) I have been arrested in defiance of law, punished without charge of crime, or trial and judgment of my peers, and I will not sanction the insinuation which a parole affords, that any charge has been made or proved, warranting what has been done. Respectfully,

W. G. HARRISON."

As I saw, from the Proclamation and Order of the new Secretary of War, that he intended to deal with us arbitrarily, instead of justly, I did not think it necessary to await propositions which I could not accept, and which might not even be offered to me. I had never made any statement of my wrongs, nor had I individually forwarded any remonstrance against my arrest to the Government, and I therefore took that occasion to put my case upon the records of the Department, and sent this letter to Mr. Stanton:

"FORT WARREN, Mass., March 3, 1862.

"Hon. EDWIN M. STANTON, Secretary of War:

"*Sir:* For six months past, I have been detained in close custody in one or other of the Forts of the United States. I am, I believe, termed, in the novel language of the day, a 'political prisoner,' or 'prisoner of state.' Until recently, I have been held subject to the order of the Secretary of State, but now I

understand that I am specially in charge of the War Department. You, therefore, are responsible for my further detention. Under these circumstances, it is proper that I should place upon record, in your office, a statement of the wrongs done me, and a demand for an instant and unconditional release.

"On the night of the 12th of September, 1861, between twelve and one o'clock, I was made prisoner in my own house, in Baltimore, by a band of armed men, who, although they showed no warrant or authority for their proceedings, professed, and I have no doubt truly, to be acting under the orders of Mr. Seward, the Secretary of State. My house was searched from garret to cellar — my private papers ransacked, and most of them, as far as I can learn, were carried off. I was kept for an hour or more a prisoner in my own parlor — armed men being stationed throughout my house, and even at the door of my children's chamber, while this search was proceeding. I will not comment further upon the indignities then put upon me. I was finally carried off to Fort McHenry, leaving my house in possession of the myrmidons who had invaded it, and who refused to allow me to send for my wife's father or brother, who were in the immediate neighborhood, and to whom alone my family, at such a moment, could look for protection. I was detained at Fort McHenry during the following day, and then transferred to Fortress Monroe. At this latter post I was confined a close prisoner, with fourteen other gentlemen, for ten days, none of us having been suffered to leave for an instant the two casemates which were there assigned to us. So rigid was our imprisonment, that the very windows and doors, through which we could look out on the parade ground, were closed and padlocked. I was then carried, with my companions, to Fort Lafayette. At this latter post no provision whatever had been made for our reception, and no decent accommodations were at any time provided. I slept in the dark, cold gun-battery in which I was quartered, upon a bag of straw, until I procured bedding from New York; and during my whole stay I was compelled to pay for my meals, as I could not have eaten the wretched rations offered me by the commanding officer. On the 1st of November last, I was brought to this place on an over-crowded and filthy steamer, which was insufficiently supplied even with the miserable pork and bread

provided for our subsistence. But for the fact that I had brought my bedding with me, I should have been forced, like many of my companions, to sleep for two weeks after my arrival here upon the bare floor, and without a single blanket to cover me. Such is a brief statement of the treatment to which I have been subjected.

"From the moment of my arrest down to this hour, no charge of any sort has been preferred against me, and none can be alleged or established, for I have not violated any law whatever, State or Federal. I was, as you may perhaps be aware, one of the Editors of the 'Daily Exchange,' a morning journal published in Baltimore. In that paper I had expressed my political opinions without reserve. I had, a year ago, advocated the adoption of some compromise by Congress which should stay the then threatened rupture between the North and South. I had subsequently deprecated any attempt to coerce the South, on the ground that it would only render the separation of the two sections inevitable and final. I asserted that war would leave the country in a worse condition than it found it; and, as it would entail upon us an enormous debt, I felt it to be my duty to resist, and I did resist its initiation. I was unable to see how the Union could be preserved if a large majority of the Southern people were bent upon a separation, and I said so. I was unable to comprehend how the President could, from the injunction which commanded him to see that the laws were faithfully executed, derive authority to supersede and violate the fundamental laws of the land, and I said so. I was equally unable to see how, upon the theory of upholding the Constitution, I was under an obligation to support those who were daily manifesting their contempt for all its provisions — nor could I conceive how this Government had any existence whatever outside of the charter which established it. All these political opinions I had the absolute right to entertain and promulgate. I choose to refer to them here, because they constitute the offences for which I am undergoing punishment. Notwithstanding the fact that many thousands of persons in the Northern States had entertained and expressed these views within a twelvemonth, the Administration determined that it was criminal in me to continue to hold and utter them, and has, therefore, arbitrarily inflicted upon me the indignities and wrongs which I have mentioned.

"Although no direct offer has been made to me to release me upon any terms whatsoever, I, nevertheless, presume that mine was one of the cases which either your Proclamation of February 14th, or your Order of February 27th, was intended to cover. Now, as I cannot accept a conditional discharge, coupled with a gracious amnesty for offences which it is assumed I have committed, and as I must equally refuse to appear at the bar of an irresponsible tribunal to justify my right to the ordinary privileges of a citizen of Maryland, it is due to myself, at least, that I should state the reasons which impel me to the course I shall pursue. To the principles which govern my action now I shall appeal, when in the future I seek redress and enter upon my own vindication. It must be obvious to you, sir, that I cannot, consistently with my own self-respect, accept any such conditional release as is referred to in your Proclamation, or avail myself of such amnesty. As I was despotically deprived of my freedom, I can make no compromise to regain it. As I am punished merely for venturing to dissent from the theories and policy of the Administration, I need and will ask no pardon. Nor, even if I should accept the terms mentioned, would I have any security that I would not, immediately after my release, be again subjected to precisely similar outrages to those which have already been inflicted upon me. As the Administration has once determined that I, by expressing my political sentiments, was giving 'aid and comfort to the enemies in hostility to the United States,' I could only escape a re-arrest by consenting to forego or conceal my opinions. This I will never, for one instant, do. I deem it to be my bounden duty to defend, to the last, every privilege and right to which, as an American citizen, I was born; and I shall do so until I am deprived of these by some known and fair process of law.

"Nor can you fail readily to comprehend why I decline to submit myself to the jurisdiction of the strange tribunal which is organized under your order of February 27th. I recognize no such judges of my guilt or innocence, of my loyalty or disloyalty, under the Constitution or laws of this land. The Courts, both State and Federal, are in the unobstructed exercise of their several functions in Maryland; and they could, long since, have examined and disposed of any charge which might have been preferred against me. In them, and in them only, will I meet

any accusation; and, while they are closed to my demand for justice, I shall decline to defend myself before any Star-chamber commissioners whomsoever.

"Such, sir, are the motives of my present action; and as the rights which I seek to uphold are not dependent upon the alleged necessities of the Administration, or upon the fate of battles, my convictions cannot be affected by the supposed exigencies of the one, or the results of the other. I shall continue, then, to vindicate them, as I best may, with the consciousness that, after the delusions, the falsehoods, and the passions of the hour shall have passed away, my course will be approved by every honest man who has been educated in the knowledge of the privileges and duties of an American freeman. I have only now to demand, at your hands, a prompt release from the imprisonment to which I am so unjustly and arbitrarily subjected.

"I remain your obedient servant,

F. K. HOWARD."

The only notice taken of this communication was the following note from the Adjutant-General:

"WAR DEPARTMENT,
Washington City, D. C., March 10, 1862.

"To Colonel JUSTIN DIMICK, Fort Warren, Boston, Massachusetts:

"*Colonel:* I will thank you to inform Mr. Frank Key Howard that his letter of the 3d instant has been duly received, and that his case has been referred to the Commissioners named in the within order.

"By order of the Secretary of War.

L. THOMAS, Adjutant General."

With this letter was forwarded a printed copy of Mr. Stanton's order of February 27th. The views of all those who had refused to accept any conditional discharge were, in the main, those set forth in the above letter to Mr. Stanton.

Our time at Fort Warren, as at our previous places of imprisonment, passed, as may be supposed, monotonously enough. Living, as we did, in over-crowded apartments, it was impossible to read or write with any satisfaction. Restricted, as we were for many months, to our quarters, or to

a narrow strip of ground in front of them, we could derive little pleasure from exercising in the open air. To pace up and down within these contracted limits, where nothing was to be seen but the dull gray walls of our prison, was not a cheerful or invigorating mode of exercise. As month after month dragged wearily on, our hopes of release grew fainter and fainter; and, though we seldom permitted ourselves to talk despondingly to each other, we did not think the less bitterly about the homes we had left and the indignities we had endured.

At Fort Warren, the soldiers of the garrison differed, we were glad to find, from their comrades at Fort Lafayette. While the latter were incapable of delivering a message, or of giving the simplest order, save in a manner at once insolent and brutal, the former were uniformly good-natured and civil. Colonel Dimick, the Commandant of the Post, discharged his disagreeable office in a way to which we could take no exception, and none of us, in any interview with him, ever found him otherwise than courteous and kind. As far as lay in his power, he left nothing undone to promote our comfort.

On the 19th of April, an order was issued giving us permission to walk, between 1 o'clock P.M. and sunset, upon that portion of the ramparts immediately over our quarters. The space thus assigned us was just the length of that to which we had been limited upon the parade ground, that is, about three hundred feet. This extension of our bounds was an infinite relief to us, as from the ramparts we had a view of the bay and the surrounding shores.

The unwillingness of the War and State Departments to grant passes to persons desirous of visiting any prisoner, may be judged from the following note from Mr. Seward to Rev. Mr. Hitselberger, a Catholic priest residing in Boston. He had applied, at the request of Mr. T. Parkin Scott, for a permit to enable him, as a priest, to visit the latter, and received this reply:

"DEPARTMENT OF STATE,
Washington, November 20, 1861.

"To the Rev. A. L. HITSELBERGER,
Boston College, Harrison Avenue, Boston:

"*Sir:* I have to acknowledge the receipt of your note of the 15th instant, with a copy of that which you addressed to Colonel Dimick, on the 15th of November. This Department having adopted a rule which precludes all visits to political prisoners, even from ministers of the Gospel — of any denomination — has hitherto strictly observed it.

"If, however, the persons themselves shall, in the event of sickness, or any other reasonable cause, require the services of their spiritual advisers, the rule would be relaxed in favor of any one of undoubted loyalty.

"I am, sir, your obedient servant,

WILLIAM H. SEWARD."

It was not until April that Mr. Hitselberger succeeded in obtaining a pass to visit Fort Warren.

General Dix and Judge Pierrepont, who had been appointed Commissioners to examine the cases of "state prisoners" by Mr. Stanton's order of February 27, arrived at Fort Warren, May 7, 1862. They were engaged about five hours in disposing of these "cases." Their "examination" consisted in asking one or two simple questions no way touching any crime or offence known to the laws, and in offering to release, on parole, most of the parties called before them. Several persons were released on some special grounds which distinguished their "cases" from those of the strictly "political prisoners," who unanimously rejected the proposals of the Commissioners. The latter did not attempt to say that the Government had any specific charges to prefer against those on whom it wished to impose conditions. That these prisoners had been confined simply because their opinions were in opposition to those of the members and partisans of the Administration, was tacitly conceded by the Commissioners in their so-called examination.

The following is a memorandum of the interview between

Mr. Wm. H. Gatchell and Mr. Stanton's Commissioners. It was drawn up by Mr. Gatchell, a few hours after his "examination."

"As I entered the room in which the Commissioners held their meeting, General Dix advanced with his hand extended, saying, 'Good morning, Mr. Gatchell.' I declined the proffered hand, remarking, 'Excuse me, sir, if you please.' In a very short time, Judge Pierrepont observed, 'I really forget, Mr. Gatchell, whether you have been offered the parole or not, heretofore.' I replied, that 'I had been, and that I had declined it, for the reasons stated in my answer to the Secretary of War, which I supposed he had seen.' He said he 'had not seen that answer.' I told him that 'I would furnish the Commissioners with a copy, that they might understand the grounds on which I placed my refusal to accept it.' I was then asked 'whether I continued of the same mind?' I answered, 'Certainly.' Then, said he, 'For the present, we have nothing more to do with your case.'

"I then turned to General Dix and said: 'At the time we left Fort McHenry for Fort Lafayette, you, sir, assured our families and ourselves that our treatment there should be as comfortable, if not more so, than at Fort McHenry; instead of which, for the first thirty days we were there, we were treated like brutes — that, but for the fact of our having taken our bedding with us, we should have been obliged to sleep upon the bare floor, and for fifteen days we had not a chair to sit upon.' He said, 'I could not know what the condition of things was at Lafayette.' I replied, 'You ought to have known before you made the promise, particularly as we were sent there by your orders.' He then said, 'Mr. Gatchell, nobody knows better than you that what I did was by orders from my Government.' 'Yes,' I replied, 'but, as commander of a military department, those orders must have been suggested by you, or adopted with your advice and consent.'"

The reasons why the gentlemen then in Fort Warren refused to give the required parole, have already been adverted to. Four of us, Messrs. Scott, Wallis, my father and myself, whom the Government had not, openly — or secretly, so far as we knew — charged with any illegal act,

were not summoned before the Commissioners. Our "cases" were therefore not "examined," nor were we offered our liberty on any terms. Colonel Kane, against whom the Government had managed to procure an indictment for treason, and who had been carried out of the State immediately afterward, remained unnoticed also. He had been removed hundreds of miles away from the place where it was alleged he had committed a crime, and though for nine months the Government had failed to bring him to trial, the Commissioners suffered his case, also, to pass unexamined. To Mr. Brown, the Mayor of Baltimore, General Dix said that all parties in Baltimore bore testimony to his personal integrity, and that the Government recognized his fidelity in his intercourse with it; and he then offered to release him, provided he would resign his office. Mr. Brown replied that he was in the power of the Government, and submitted only because he could not help himself, but he peremptorily refused General Dix's proposition to resign his office, remarking that to do so would be to forfeit his own self-respect. Comment on this infamous and insolent proposal is needless.

An article which appeared in the Baltimore "American" on the 15th of May, furnished conclusive evidence of the spirit in which the Commissioners had acted. The principal Editor and proprietor of that journal was Mr. Charles C. Fulton, a man who had been for years the apologist of every species of fraud and violence which had been perpetrated to advance the ends and interests of his party or himself, and who was at that time the subservient dependant of General Dix and General Dix's master. As his account of the visit of the former to Fort Warren was mainly correct, so far as the facts therein stated were concerned, it may be fairly presumed that he received it from one of the Commissioners or their clerk. In that article it was said:

"We understand that the prisoners not examined were Messrs. S. Teackle Wallis, T. Parkin Scott, Charles Howard, F. Key Howard, and George P. Kane, all of this city. The reason why no examination was made in these cases is understood to have

been the conviction, on the part of the Commissioners, that they ought not to be permitted to return to Baltimore, on any condition, while the class of citizens here of which they are a type keep up an unrelenting hostility to the Government — provoking, most justly, a hostile feeling toward them on the part of the Union men of this city. That the feeling of hostility to which we have alluded has been fostered and imbittered by the vindictiveness of the secession women of Baltimore, there can be no doubt; and to them is due — in a great degree, at least — as prime movers of disloyalty, the continued imprisonment of their friends."

It is manifest, from these extracts, that the "hostile feeling" of Mr. Lincoln's partisans toward us was one of the reasons why the outrage done us remained unredressed; and a disposition to inflict vicarious punishment on the women of Baltimore was another of the manly and just motives operating upon General Dix. On May 9th, Colonel Dimick enlarged our bounds. We had permission, from that time, to walk where we pleased, both inside and outside of the fortress, on giving our parole not to attempt to pass beyond the line of sentinels who were stationed along the shore. Our parole, also, required us not to communicate with the shore, or with any one who might land on the island, and not to talk to the soldiers of the garrison, or to discuss political matters in their hearing.

On Saturday, May 24th, Colonel Dimick notified us that the "political prisoners" were to be sent back to Fort Lafayette. We regarded this as indicating a determination on the part of the Government to subject us to all such indignities or punishment as it was in its power to inflict. That the Government itself considered Fort Lafayette as peculiarly a place of punishment, was made evident by an order which was received, at the same time, for the transfer of certain other persons to the same Fortress. A number of prisoners of war, who had been taken in the battle below New Orleans, had reached Fort Warren but two days before. Among them were six officers of the steam-battery Louisiana, which they had blown up rather than suffer it to fall into the hands

of the Federal forces. For this reason, the Government chose to regard them as meriting severe treatment. On their arrival, they, like all other Confederate officers, were allowed the liberty of the Island upon their parole. With the order for our transfer to Fort Lafayette, came another, directing that these officers should not be regarded as, nor receive the ordinary treatment of, prisoners of war, and that they should be sent to Fort Lafayette with us. Their parole was instantly revoked, and they were placed under all the restrictions to which we had so long been subjected. It was thus made manifest that the Government was fully aware of the specially painful character of the imprisonment which the unhappy captives in Fort Lafayette were compelled to endure.

On Monday, the 26th, Colonel Dimick received a despatch, informing him that Fort Lafayette was already full to repletion, and ordering him to retain us, for the time, at Fort Warren. That morning, the public had been made aware of the fact that General Banks had been driven by General Jackson across the Potomac, in great confusion. A special despatch had been received at Fort Warren to the same effect, during the previous night, and the garrison left that day, in great haste, for Washington. Probably, the Government had, for some time, more important matters to think about than the punishment of "political prisoners," for we heard no more of any orders for our removal. On Thursday, July 31st, the prisoners of war then in Fort Warren, some two hundred in number, left on a steamer for James River, where they were to be exchanged. After their departure, there were but fourteen "political prisoners" left in Fort Warren.

On the afternoon of the 12th of November, my father received a telegraphic despatch, informing him of the "extreme illness" of my sister. At the same time, Colonel Dimick notified him that he was authorized to release him upon his parole to return to Fort Warren at the expiration of a limited period, and to commit no act of hostility, in the mean time, against the Government. This was one of those

few cases in which we had all agreed that it would be our duty to accept a temporary release. Colonel Dimick desired to extend this parole to thirty days; but my father stated his unwillingness to remain in Baltimore, under any conditions whatsoever, any longer than might be absolutely necessary, and gave a parole, therefore, to return to Fort Warren in twenty days. The friends who had procured for him this temporary release had applied for one for me also, but of this application no notice was taken. Had I been then permitted, I should have thought it proper for me to go home. On the evening of the 14th, I received a message from my father, dated in the morning, informing me that my sister's end was rapidly approaching. At the same time, Colonel Dimick told me he was authorized to release me on parole. I subsequently learned that this order to him was the result of a renewed application on my behalf. But it came too late, and there were no longer any reasons moving me to take advantage of it, save such as were purely personal to myself. A few moments' reflection satisfied me that, under such circumstances, I ought not to deviate from my course. I, therefore, declined to accept the temporary and conditional release which Mr. Stanton had so tardily offered me. While my father was at home, Colonel Dimick proposed to extend the time of his stay indefinitely, and to receive his simple pledge to return to Fort Warren when so ordered, without exacting from him any other conditions whatsoever, thus leaving him, in all other respects, perfect freedom of action. My father declined, however, to take into consideration any further proposition looking to his discharge, temporarily or permanently, upon any terms whatsoever, and notified Colonel Dimick that he would be at Fort Warren on the 3d of December, the day when his parole would expire.

On the 24th of November, an order of the War Department, dated November 22, relating to the discharge of prisoners who had been arrested for interfering with the draft, etc., appeared in the Boston papers. Though the order did not refer directly to persons in our situation, still there was

so much ambiguity in its language that it was not clear whether it might not be intended to include us. On the same afternoon, Colonel Dimick received this despatch ·

"WASHINGTON, November 24, 11.50 A.M.

"Commanding Officer, Fort Warren, Boston:

"None of the prisoners confined at your post will be released under order of the War Department of the 22d instant, without special instructions from the Department. By order of the Secretary of War.

E. D. TOWNSEND, A. A. G."

I had not myself thought that the order of November 22 would affect us, though some of my companions were of a different opinion. The above despatch to Colonel Dimick effectually banished from the minds of most of them any doubts upon the point.

Late in the afternoon of the 26th of November, 1862, Colonel Dimick entered our quarters and, with a manifestation of much pleasure and good feeling, announced to us that our captivity was ended. He had just received a telegram from Washington ordering our release, and containing no suggestion about terms or conditions. He furnished us, the next morning, at our request, with the following certificate:

"FORT WARREN, Boston Harbor, November 27, 1862.

GEORGE P. KANE,
GEORGE WM. BROWN,
CHARLES HOWARD,
FRANK K. HOWARD,
HENRY M. WARFIELD,
WILLIAM G. HARRISON,
ROBERT HULL,
S. TEACKLE WALLIS,
CHARLES MACGILL,
WILLIAM GATCHELL,
THOMAS W. HALL,
T. PARKIN SCOTT,
WILLIAM H. WINDER.

"The above-named prisoners are released, agreeably to the following telegram.

J. DIMICK, Col. 1st Art'y, Com. Post."

"'WASHINGTON, November 26, 1862.

"'Colonel J. DIMICK, U. S Army, Fort Warren, Boston:

"'The Secretary of War directs that you release all the Mary

land state prisoners, also any other prisoners that may be in your custody, and report names to this office.

(Signed) E. D. TOWNSEND,
A. A. General.'

"'True copy: Fort Warren, November 27, 1862.

J. DIMICK,
Col. 1st Art'y, Com'g Post.'"

We left our prison for our homes on the morning of the 27th.

There were, at the time of our release, no other prisoners in Fort Warren than those named, except one, who was a native of Massachusetts, and who had been arrested in that State, a few weeks previously. The gentlemen above named had, with a single exception, been my companions in Fort Lafayette, and of course in Fort Warren. All but one had been imprisoned over a year, and Mr. Gatchell, Colonel Kane, and my father for nearly eighteen months. Each of them had determined at the outset to resist, to the uttermost, the dictatorship of Abraham Lincoln; and having done so, each had the satisfaction of feeling, as he left Fort Warren, that he had faithfully, and not unsuccessfully, discharged a grave public duty. We came out of prison as we had gone in, holding in the same just scorn and detestation the despotism under which the country was prostrate, and with a stronger resolution than ever to oppose it by every means to which, as American freemen, we had the right to resort.

HON. CLEMENT L. VALLANDIGHAM.

"EXILED!" The student of ancient history is familiar with the names of prominent statesmen, who were subjected to "banishment" and "ostracism" because the principles they advocated were conservative, and not in accord with the revolutionary sentiments of those who had acquired power. Then the centralization of power in the capital of the country was considered the greatest strength of the republic. The city of Athens, or of Rome, for all practical purposes, in so far as civil authority or military power was concerned, constituted the State. All other divisions of country, composing these ancient republics, were entirely subordinate to the power consolidated in these capitals. Hence there was no appeal from the decisions emanating from these grand centres of power. Statesmen and patriots, like Aristides and Pericles and Cicero, were "exiled," and continued in exile, until the storms of persecution and proscription exhausted themselves, and were then either recalled by the demand of the people, or voluntarily returned to resume the leadership in the affairs of State.

In modern times, however, with experiments in government for more than two thousand years before us, and with our jurisprudence keeping pace with the civilization and progress of the age, it was not even mooted that a citizen of the United States could be subjected to banishment and exile from a State of which he was a citizen by a simple edict from Washington, especially when that State was not in rebellion against the Federal Government. There is no clause in the Constitution which would justify such an exercise or usurpation of power. Under monarchical governments, where centralization still prevails, — as in Austria

and Russia, where the political power of the nation is concentred in Vienna and St. Petersburg, — such despotism has been and is tolerated; but in the United States, where all power is inherent in the people, and where each State has entire control over her own citizens, except when by any overt act a State, as a State, opposes the laws of the Federal Government, the banishment of a citizen from his native State is such an act of usurpation and despotism as would justify the impeachment and deposition of the official guilty of the crime.

The principle, as to the rights of citizens in States not in rebellion, is fully enunciated in the decision of the Supreme Court of the United States in the Milligan case, where it is broadly and expressly stated that a citizen residing in a State not in rebellion, and where the courts are open to hear complaints, cannot be tried by a military commission or court-martial, and that the writ of *habeas corpus*, in such State, cannot be suspended. The plea of "military necessity" does not justify the interference of military power where the people are at peace with each other, and where they do not, by force of arms, oppose the laws of the United States.

But the exile of Mr. Vallandigham was not because of any political or treasonable offence which he had committed. His arrest, mock trial, and banishment from his native State, were wholly for personal and political reasons — for the double purpose of subserving the interests of "the one-man" power at Washington, and the intimidation of his fellow-citizens who acted in accordance with the principles he advocated for the preservation of the Constitution and for the restoration of the States.

During those troublous times, when civil authority was made subordinate to military power, it seemed to be the object of the government at Washington to appoint agents to execute its edicts, who were ignorant of both civil and military law; who knew not the consequences which would flow from arbitrary and illegal acts; who were brutal in their natures, and who, from this ignorance, brutality, and irre-

sponsibility, would commit the most flagitious wrongs upon innocent citizens, regardless of either law or justice. Hence the appointment of General A. E. Burnside over the military district composed of Ohio, Kentucky, Indiana, and Illinois. It is also a matter of history that, however great the wrong, illegal the act, and arbitrary and brutal the power exercised, the "Washington Government" *always* indorsed and applauded the action.

Before proceeding to the arrest, illegal trial, and exile of Mr. Vallandigham, it may not be inappropriate, as he was not an ordinary man, to give a brief sketch of his life and public services.

Clement Laird Vallandigham, the son of Rev. Clement Vallandigham and Rebecca Laird, his wife, was born in New Lisbon, Columbiana County, Ohio, on the 29th day of July, A. D. 1820. His father, besides attending to his ministerial duties, established a classical school in his own house, partly for the purpose of preparing his sons for college, and partly for the support of a large family, for which his meagre salary was inadequate. Young Vallandigham was both precocious and studious, so that, at the age of twelve years, he was sufficiently advanced in Greek and Latin and other branches of study as to fit him for an entrance into the junior class in college. Being considered too young for collegiate life, he spent his time until he was sixteen years of age in reviewing his studies, in general reading, and outdoor sports, to build up his constitution, which was naturally delicate. In 1837 he entered the Junior Class at Jefferson College, Pennsylvania. He immediately took a high position among his fellow-students, especially in debate, in the literary society (Franklin), to which he belonged. He remained at college one year, but believing his expenses there were too heavy a tax on his father, whose income was small, he obtained the appointment of Principal of Union Academy, at Snow Hill, Worcester County, Maryland, where he remained two years. He then returned to Jefferson College and entered the Senior Class. Soon after re-entering

college he was chosen debater for his society, in a public contest between the two literary societies. His connection with the college, however, did not continue long. A quarrel between him and Dr. Brown, President of the college, originated in a controversy on constitutional law, Mr. Vallandigham having advanced certain political opinions to which the doctor objected and endeavored to refute, at the same time making use of language which Mr. Vallandigham thought insulting and abusive, and for which he immediately demanded an honorable dismission. This Dr. Brown gave him, but subsequently partly apologized and requested Mr. Vallandigham to return, which he declined to do. He returned home and commenced the study of law with his eldest brother, and on the 5th of December, 1842, was admitted at Columbus, Ohio, to practise in the Supreme Court and the other courts of the State. In 1845 he was unanimously nominated by the Democratic party of his native county a candidate for representative in the State Legislature, to which he was elected in October, having just attained the constitutional age. As a member of the Legislature he ranked high, and on his return home was again nominated by a large majority, although his county was now only entitled to one member, when previously it was represented by two — his old colleague having entered into the contest with him for the nomination. After an unusually violent canvass, he was re-elected in October by a large majority.

During this political campaign, to wit, on the 27th of August, 1846, he was married to Miss Louisa A. McMahon, daughter of Mr. William McMahon, of Cumberland, Maryland, and sister of the late Hon. John V. L. McMahon, of Baltimore.

On the assembling of the Legislature, in December following his second election, Mr. Vallandigham was complimented with the unanimous vote of his party for Speaker, but the Whig party in Ohio being in the ascendency, he, of course, was not chosen Speaker.

In August, 1847, seeking a broader field in which to prac-

tise at his profession, he removed to Dayton, Ohio, and entered into a partnership with Thomas J. S. Smith, Esq., an able lawyer, with a large and lucrative practice. At this time he also became connected with the "Western Empire," a Democratic paper of Dayton, as part owner and editor, but severed his connection with it in June, 1849. In August, 1852, he was nominated for Congress in the Third District, Ohio; but was defeated, after an animated contest, by Lewis D. Campbell, by 147 majority. In 1854 he was again nominated for Congress, his opponent again being Mr. Campbell; but as the Whig party had now perished with the decease of Clay and Webster, and the Democratic party having met with political disaster throughout the country, generally through the influence of the Know-Nothing organization, Mr. Vallandigham was again defeated, by a majority of 2565 for Campbell, although he ran considerably ahead of the State ticket in his district. Not dismayed by his former defeats, he was again a candidate for Congress in 1856, Mr. Campbell again being his competitor, and after a violent contest, at the conclusion of which both parties were about exhausted, Campbell once more received the certificate of election by a majority of 19 votes. Gross and palpable frauds, however, being apparent, Mr. Vallandigham contested the election in Congress, which resulted in the election of the contestant by a majority of 23 votes. On the 25th of May, 1858, he was sworn in and took his seat as a member of Congress from the Third Congressional District of Ohio. After his return home from Washington, in 1858, he was again unanimously chosen by the different county committees of his district for Congress, and was elected by a majority of 188 over Mr. Campbell, his former competitor. This election by the people was the more gratifying to Mr. Vallandigham, because, although after previously having been defeated, he had always acted consistently with the principles of his party, and was now rewarded for his fidelity. His strict adhesion to principle called from him the remark: "*It cost me ten years exclusion from office and*

honor at that period when honors are sweetest. No matter; I learned early to do right and to wait."

In 1860 he was again, for the fifth time, a candidate for Congress — without the formality of a Convention — and, although it was during the Presidential struggle of that year, when the feelings of the people and the animosity of parties were most bitter, yet he was returned a member of the Thirty-seventh Congress, by about the same majority he had received in 1858. In 1862 the Congressional Convention of the Third District, now composed of Butler, Montgomery, Preble, and Warren Counties, met at Hamilton, and nominated Mr. Vallandigham by acclamation; but as a new apportionment had been made by an adverse Legislature, and Warren County, which was largely Republican, added to his old district, at this election he was defeated; yet he had a majority of 800 in his old district, being an increase of nearly 700 over his previous majority in 1860.

Notwithstanding the great controversies which ensued the election of Mr. Lincoln, in 1860,— the secession of States, the declaration of civil war, the clash of arms, and the persecution, proscription, and imprisonment of Democrats — to his honor be it said, Mr. Vallandigham never swerved a hair's-breadth from the constitutional principles to which his party adhered. Firm in his convictions that, in order to maintain the Union of the States, the military power must be made subordinate to civil authority, he was fearless, yet conservative, in announcing his opinions as a member of the legislative department of the National Government; nor did he shrink from claiming the same rights which his Republican opponents had demanded during previous political contests, to wit, the privilege and right of FREE SPEECH and a FREE PRESS. Assuming a brave and manly position in and out of Congress, and having the ability and courage to enunciate his principles and defend his position, he was assailed from every quarter. During the sessions of Congress he was frequently attacked by the champions of the Republican side of the House, but his knowledge of parliamentary

law was so great, his acquirements and eloquence so marked and convincing, and his reasons so cogent, that he easily kept his adversaries at bay, and stood in the midst of them, the lofty Achilles challenging the attack. Nor were his influence and power over the people and party which he represented less wonderful than his ability to maintain his cause. They believed what he said was right, because it was founded on principle and conviction; they would trust him because they knew he would not betray them, and they would follow him because they were confident he would not mislead them. Had not brute force, sustained by the bayonet, prevailed over reason and civil authority, the arguments he advanced in favor of the preservation and integrity of the Union, and the cessation of hostilities and bloodshed, would have been irresistible — the war would have been ended long before it was — the States would have been restored to their original *status*, and peace, harmony, and good-will would have pervaded all sections of the country.

We come now to the methods adopted by the Republican party to crush Mr. Vallandigham, and thus intimidate Democrats generally, who chose to think and act with the Constitution for their guide.

On the 19th of February, 1862, Mr. John Hickman, of Pennsylvania, offered a resolution in Congress "instructing the Committee on the Judiciary to inquire into the truth of certain charges of disloyalty made in the local columns of a Baltimore newspaper, against C. L. Vallandigham, of Ohio." This resolution called Mr. Vallandigham to his feet, and so completely did he answer the charge, without any previous notice or preparation, that Mr. Hickman, although one of the shrewdest Abolitionists on his side of the House, and chairman of the Judiciary Committee, not only abandoned his case, but withdrew the resolution.

We give but one extract from Mr. Vallandigham's speech in his defence on this occasion, which was in allusion to the flag which hung above the Speaker's seat, and which called forth the admiration of the whole House, as well as of those who were seated in the galleries.

He said: "Yet that is all the grand aggregate of the charges, except this miserable falsehood which some wretched scavenger, prowling about the streets and alleys and gutters of the city of Baltimore, has seen fit to put forth in the local columns of a contemptible newspaper; so that the member from Pennsylvania may rise in his place and prefer charges against the loyalty and patriotism of a man who has never faltered in devotion to the flag of his country — to that flag which hangs now upon the wall over against him; one who has bowed down and worshipped this holy emblem of the Constitution and of the old Union of these States to his heart's core, ay, in his very heart of hearts, from the time he first knew aught to this hour; and who now would give life and all that he has, or hopes to be in the present or future, to see that glorious banner of the Union — known and honored once over the whole earth and the whole sea — with no stripe erased, and not one star blotted out, floating forever over the free, harmonious old Union of every State once a part of it, and a hundred more yet unborn. I am that man; and yet he dares to demand that I shall be brought up before the secret tribunal of the Judiciary Committee — that Committee of which he is chairman, and thus both judge and accuser — to answer to the charge of disloyalty to the Union."

Mr. Vallandigham was frequently attacked in the House, by resolution and otherwise, by those either seeking to censure him or secure his expulsion from the House — only one of which attacks we will now mention. In June, 1862, Messrs. Shellabarger and Gurley, of Ohio, presented printed petitions from citizens of their own districts — none, however, from Mr. Vallandigham's district — asking for his expulsion from the House, as a "traitor and a disgrace to the State of Ohio." The petitions were referred to the Committee on the Judiciary, consisting of the following members, to wit: John Hickman, chairman, John A. Bingham, William Kellogg, Albert G. Porter, Benjamin F. Thomas, Alexander S. Diven, James F. Wilson, George H. Pendleton, and Henry May — all Republicans except Messrs. Pendleton and May.

This Committee, on the very day on which the petitions were presented, by a unanimous vote, ordered them to be reported back and laid upon the table; and accordingly, on the first

day that the Committee was called, July 3, 1862, Mr. Bingham reported them back, *and on his motion they were laid on the table*, no evidence whatever of either "treason" or "disgrace" having been produced to the Committee. Seven times during the session these attacks were made, and as often failed.

Thus Mr. Vallandigham was persecuted during the whole of his subsequent career in Congress; but when opportunity was afforded him, he warded off these attacks with consummate skill, and every day afterward, when the tide, from his ability and courage, began to turn in his favor, he grew stronger and more popular, and was recognized as one of the leaders of the Democratic party.

On the 23d February, 1863, Mr. Vallandigham made his last speech in Congress. It was on the Conscription Bill, and was one of the ablest efforts of his life. As portions of this great speech are pertinent to the subject under consideration, his concluding remarks are here given:

"Sir," he said, "I have done now to my objection to this bill. I have spoken as though the Constitution survived and was still the supreme law of the land. But if, indeed, there be no Constitution any longer, limiting and restraining the men in power, then there is none binding upon the States or the people. God forbid! We have a Constitution yet and laws yet. To them I appeal. Give us our rights; give us known and fixed laws; give us presentment or indictment by grand juries; speedy and public trial; trial by jury and at home; tell us the nature and cause of the accusation; confront us with witnesses; allow us witnesses in our behalf, and the assistance of counsel for our defence; secure us in our persons, our houses, our papers, and our effects; leave us arms, not for resistance to law or against rightful authority, but to defend ourselves, from outrage and violence; give us free speech and a free press; the right peaceably to assemble; and above all, free and undisturbed elections and the ballot; take our sons, take our money, our property, take all else, and we will wait a little, till, at the time and in the manner appointed by the Constitution and law, we shall eject you from the trusts you have abused, and the seats of power you have dishonored, and other and better men shall reign in your stead."

After the adjournment of the Thirty-seventh Congress, on the 4th of March, 1863, Mr. Vallandigham returned home by way of the Eastern cities, and was everywhere most enthusiastically received by the Democratic party—many invitations, by its leaders, having been previously extended to him to visit these localities. During his tour homeward he made speeches at Philadelphia, New York, and in various sections of Connecticut, and arrived at his home, in Dayton, on the 13th of March, where he met with a most cordial welcome.

When Mr. Vallandigham returned home he found his own State — Ohio — and Kentucky, Indiana, and Illinois, as before remarked, formed into a Military District, and placed under the command of General Ambrose E. Burnside, of Rhode Island. This man, who was called the "Butcher" of Fredericksburg, when in command of the Army of the Potomac, was now sent to intimidate and control unarmed and innocent Democrats of the West. Here, instead of the Constitution and law, military orders were substituted, which the people were enjoined to obey. Many orders were issued, among which were Order No. 38, threatening severe punishment to those who should be guilty of *implied* treason —(*to be a Democrat was implied treason*); Order No. 15, prohibiting the people to keep and bear arms; and Order No. 9, prohibiting any *criticism* whatever of the civil and military policy of the administration. All of these orders being in gross violation of the provisions of the Constitution and of the rights and liberties of the people, Mr. Vallandigham could not patiently submit to them, and hence, at various public meetings, denounced them and exposed the usurpations and tyranny of those who attempted to enforce them.

On the 21st of March, Mr. Vallandigham addressed a large meeting at Hamilton, Ohio, at which he commented severely on Order No. 15. Again at Columbus, on the 30th of April, and at Mount Vernon, on the 1st of May, he addressed large assemblages of the people, criticising these infamous orders, but at the same time exhorting the people, who had now

become restless under this despotic and oppressive yoke, not to resist by physical force, but to assert their constitutional rights and maintain their liberties through the ballot-box.

Although Mr. Vallandigham in all his speeches kept within the lines of prudence and "*loyalty*," yet the "Government at Washington," being fearful of the mighty influence he was exerting, by the sound constitutional principles he proclaimed, and astounded at the rapturous enthusiasm with which he was received by the people, who flocked in large numbers to hear him, determined, regardless of truth, reason, law, or justice, to arrest him by arbitrary power, and thus not only silence his voice, but also intimidate his Democratic followers. A speech which he delivered at Mount Vernon, Ohio, on the 1st day of May, 1863, was made the pretext for his arrest. (As the reasons assigned in the "charge" against him, in his mock-trial before a military commission, will inform the reader of the great crimes and *implied* treason committed by Mr. Vallandigham, it is unnecessary to mention them in this collection.)

The day after the mass meeting at Mount Vernon, when Mr. Vallandigham returned home, he heard many rumors of his intended arrest; but as these rumors had previously been frequent, he did not apprehend any such attempt would be made. On other occasions he and his friends had stood on guard, within and without his house, for weeks at a time, in anticipation that a violent arrest would be attempted, which they were prepared to resist; but as no attempt had been made, he felt so well-assured that it would not be made at this time, that he refused the kind offers of many of his friends, who were ready to stand guard and protect him from arrest by brute force.

"It was under these circumstances," says the Rev. James L. Vallandigham,* "that on the evening of the 4th of May, Mr. Vallandigham and his family, consisting at that time of his wife, son, his wife's sister, and a young nephew of his

*This account of Mr. Vallandigham's arrest is written by his brother, Rev. James L. Vallandigham.

own, and two domestics, females both, retired to rest at their accustomed hour. At half-past two o'clock in the morning they were rudely awakened from slumber by a violent knocking upon the front door. Arising, Mr. Vallandigham, who did not immediately suspect that it was a force coming to arrest him, went to the front window of the room over the parlor. As he approached it he heard the tramp of armed men, the low voice of command given by officers, the rattling of arms, and mutterings and whisperings of many people. Looking out, lights were seen gleaming amidst the shrubbery in the yard below, and the glittering of many bayonets shone bright from the gas-light near the house. As he threw open the shutters the sounds struck upon his wife's ears, and she screamed with affright. He demanded what was wanted. Captain Hutton, an officer of General Burnside's staff, who was in command, answered that he had been sent by that General to arrest him, and that he might as well come down and surrender. Mr. Vallandigham replied that he would not; that he, Captain Hutton, had no right to arrest him, and that General Burnside had no right to issue an order for his arrest. To this a threat was made that unless he would come down he would be shot. He answered this in a defiant manner, and then shouted for the police. By this time the whole household was up; his wife and sister-in-law, both very nervous, timid women, were weeping, nearly crazed by terror, and begging him to come away from the window; the servant girls were equally alarmed. After repeated threats to shoot, intermingled with entreaties, the officer in command ordered the front door to be forced; but it was found too strong, and a door in the rear was then attacked. The house now shook with the violent blows of axes upon the door, and the horrid clamor filled the hearts of the women with an agony of fear. At last the door gave way, and the rattling of ramrods and bayonets, as well as the half-suppressed oaths of the men as they rushed into the back parlor, arose clearly and distinctly in the night air. Mr. Vallandigham still determined he would not surrender whilst there

was any hope of rescue. He desired to delay the soldiery until some organized effort could be made by his friends outside to drive off his assailants. He had dressed himself whilst the soldiers were bursting open the door below; and he arranged with his nephew, who had served in the Union army, to open fire on the soldiers as soon as they should be attacked from the outside. Another demand to surrender was sternly refused, and the soldiers mounted the stair and commenced battering away at the door of the room in which he stood. He then retired into another room which communicated with the one now attacked. In a few moments the second door was broken in, but lo! the victim was not yet brought to bay. A short interval of silence followed, and Mr. Vallandigham endeavored to soothe the affrighted ladies whilst he anxiously listened for the sound of footsteps coming to his aid; nothing, however, but the measured tread of the sentinels could be heard on the outside. The third door was now attacked, and as there was no chance of successful resistance, he concealed his revolver and calmly awaited the entry of the troops. The house was full of soldiers, though the officer in command had not entered, and directly the third door gave way the soldiers broke into the room where he stood, and half a score of muskets were pointed instantly at him. Thereupon he said: 'You have now broken open my house and overpowered me by superior force, and I am obliged to surrender.' The muskets were lowered, and hastily though not roughly he was torn from the arms of his devoted wife and weeping child and hurried down stairs. Leaving his wife stupefied in agony of grief and alarm, he passed through the shattered panels of his doors into the street. The bugles sounded the recall, and, surrounded by soldiery, he was marched rapidly to the depot, and thence carried by the special train to Cincinnati, where, after daylight, he was taken to the military prison, Kemper Barracks.

"The arrest and taking away of Mr. Vallandigham was made with the greatest expedition. Not more than thirty minutes elapsed after the arrival of the special train from

Cincinnati before the troops were back to the depot with the prisoner, and the train immediately moved off. It was daylight in Dayton before the news of the arrest had become generally known, although fire-bells were rung a short time after he was taken away from his house.

"The indignation aroused among the Democrats was fierce. Men with frowning brows and clinched fists were to be seen all over the city. As the day advanced the excitement rapidly increased; hundreds of men came in from the country around; crowds began to gather. The denunciations of the arrest, and of those concerned in it, became louder and more violent. Those who had been very bitter and proscriptive among the Republicans became alarmed, and some left the city as quietly and secretly as possible. Towards evening the storm burst: suddenly the *Journal* office, the Republican organ of the county, was surrounded by a mob of frantic men; pistols and bowie-knives gleamed. The office was attacked, its defenders fled; it was completely gutted, everything in it broken up and destroyed; the torch was then applied, and the sky was soon illuminated by the red light of blazing roofs. It was with the utmost difficulty that the Democratic leaders prevented the fiercely exasperated crowds from attacking and hanging prominent Republicans and from burning their dwelling-houses. The railroads leading to Dayton were torn up; the telegraph wires were cut. It seemed as if a new civil war was impending. But the mob was poorly armed, had no organization or discipline, and no support from any other portion of the State. The attack upon the liberties of the people had been so sudden and unexpected that no concert of action existed even in Montgomery County. Leading Democrats were wise enough to see the folly of any warlike demonstrations, that it would only lead to useless slaughter, and make bad worse. They exhorted the more imprudent to return to their homes, and succeeded in persuading them to do no further acts endangering the peace of the city; and when, about ten o'clock the same night, troops from Cincinnati and Columbus reached Dayton, they met with no resistance.

"In the meantime, Mr. Vallandigham, who reached Cincinnati soon after daylight, had been taken immediately to the military prison, Kemper Barracks. Here he remained until evening, when, by order of General Burnside, who had become greatly alarmed lest there should be a popular outbreak and attempt to rescue, he was hurried across the river to Newport Barracks, Kentucky, and there locked up for the night. The next morning he was taken back to Cincinnati and brought before the military commission. The same day, by Burnside's order, military arrests commenced in Dayton. More than thirty citizens were arrested and dragged down to the military prisons at Cincinnati, and for six weeks every Democrat of Montgomery County was at the mercy of an inebriate military commandant. Burnside's own brutal conduct towards the prisoners was consistent with his real character. He visited them more than once with oaths and curses, and in one instance with blows vented his rage upon them. Mr. Vallandigham, during the trial before the military commission, was placed in room No. 246, in the attic; he was kept under a strong guard, who were ordered, in case of any attempt at rescue or escape, to put him to death. Similar orders had been issued to his captors previous to his arrest. A guard of soldiers with fixed bayonets and loaded muskets marched with Mr. Vallandigham to and from the Commission, and a squad of ten regulars kept watch day and night over his room, while sentinels paced the pavements below. Knowing that the object of his arrest was to intimidate the Democracy of the country, he took the earliest opportunity to write an address to the Democrats of Ohio, which is presented below. He also desired the people to know that, although ignorant of his fate, he was not alarmed nor over-awed by the danger staring him in the face, and he wished to encourage his friends to stand firm and not bend to the storm. He wrote this address in Kemper Barracks prison, and it was smuggled out by a relative who visited him whilst he was kept in the Burnett House, and immediately published to the world:

"MILITARY PRISON,
CINCINNATI, OHIO, May 5, 1863.

"TO THE DEMOCRACY OF OHIO:

"I am here in a military bastile for no other offence than my political opinions, and the defence of them and of the rights of the people, and of your constitutional liberties. Speeches made in the hearing of thousands of you in denunciation of the usurpations of power, infractions of the Constitution and laws, and of military despotism, were the sole cause of my arrest and imprisonment. I am a Democrat — for Constitution, for law, for the Union, for liberty — this is my only 'crime.' For no disobedience to the Constitution; for no violation of law; for no word, sign or gesture of sympathy with the men of the South, who are for disunion and Southern independence, but in obedience to *their* demand as well as the demand of Northern Abolition disunionists and traitors, I am here in bonds to-day; but

'Time, at last, sets all things even!'

Meanwhile, Democrats of Ohio, of the Northwest, of the United States, be firm, be true to your principles, to the Constitution, to the Union, and all will yet be well. As for myself, I adhere to every principle, and will make good through imprisonment and life itself every pledge and declaration which I have ever made, uttered or maintained from the beginning. To you, to the whole people, to TIME, I again appeal. Stand firm! Falter not an instant!

C. L. VALLANDIGHAM."

MOCK TRIAL BEFORE A MILITARY COMMISSION.

The day after his arrest, Mr. Vallandigham was brought before a military commission for trial, which was had at Cincinnati, May 6, 1863.

The Judge Advocate read the General Order from the headquarters of the Department of the Ohio, appointing the following officers a Commission to try all parties brought before it.

The following officers composed the Court.*

*One member of the Court was a citizen of Ohio; one was an unnaturalized foreign adventurer; one had been convicted of keeping a disreputable house, and the Judge Advocate subsequently pleaded guilty to certain "nimble caperings" at the transom light of a lady's bed-chamber in the Burnett House.

Brig.-Gen. R. B. Potter, Pres.
Capt. J. M. Cutts, Judge Advocate.
Col. J. F. De Courcy, 16th Ohio V. I.
Major Van Buren, A. D. C.
Lieut.-Col. E. R. Goodrich, Com. Sub.
Major Brown, 10th Kentucky Cavalry.
Major Fitch, 115th Ohio V. I.
Captain Lydig, A. D. C.

Mr. Vallandigham was asked whether he had any objections to offer to any member of the Court. He said he was not acquainted with any of the members of the Court, and had no objections to offer to any of them individually, but he protested that the Commission had no authority to try him, he being neither in the land nor naval force of the United States, nor in the militia in the actual service of the United States, and was not, therefore, triable by such a Court, but was amenable only to the Judicial Courts of the land.

The members of the Court were then sworn to try his case impartially. The Judge Advocate then read the following

Charge.

"Publicly expressing, in violation of General Order No. 38, from headquarters of the Ohio, his sympathies for those in arms against the Government of the United States, declaring disloyal sentiments and opinions, with the object and purpose of weakening the power of the Government in its efforts to suppress an unlawful rebellion."

Under this charge was a specification as to what Mr. Vallandigham had said; but as it was frivolous, it is not necessary to record it here.

Mr. Vallandigham being asked by the Judge Advocate what his plea was, refused to plead, whereupon the President of the Court ordered the plea of "not guilty" to be entered on the record.

The President of the Court asked Mr. Vallandigham whether he desired to appear with counsel.

Mr. Vallandigham said he did not. His counsel, George

E. Pugh, George H. Pendleton, and Alexander Ferguson, remained in the adjoining room.

The Judge Advocate announced that the case would be proceeded with, and called Captain H. R. Hill, of the One Hundred and Fifteenth Ohio Volunteers, the first witness for the prosecution, who, among other things, testified: * that he was leaning against the platform about six feet from the speaker, Mr. Vallandigham (this was at Mount Vernon); that he was in citizens' dress; that he was sent to the meeting by Captain Andrew C. Kemper, Assistant Adjutant-General of the Military Command of Cincinnati, to take notes; that he reported to Colonel Eastman after the meeting; that he was from there sent to the headquarters of the Department of the Ohio; that he did not take notes of any other speaker at the meeting; that he commenced taking notes of Mr. S. S. Cox's speech, but that he considered it harmless, and after a short time stopped.

The next witness for the prosecution was Captain John A. Means, of the One Hundred and Fifteenth Ohio Volunteer Infantry, who testified, among other things, that he was present at a meeting of citizens at Mount Vernon, Ohio, on Friday, May 1, 1863; that he heard the accused address the meeting; that he stood about ten feet in front of the stand and heard the whole of the speech; that he took no minutes of the speech, but that after Mr. Pendleton began speaking, perhaps an hour and a half afterward, he went to the hotel and wrote some minutes of the speech.

With these two witnesses the case of the prosecution closed.

Mr. Vallandigham then called Hon. S. S. Cox, who was present and addressed the meeting at Mount Vernon on the 1st of May, 1863, and in his evidence Mr. Cox either entirely contradicted the testimony of both the witnesses for the

* The testimony is not here given in detail, as it is unnecessary. The facts are briefly given to show who the witnesses were; how they came to be at the Mount Vernon meeting; their manner of reporting speeches, and that the sole object of the proceeding was to *convict*, whether innocent or guilty.

prosecution, or so modified the language which they said was used by Mr. Vallandigham, that made it susceptible of quite a different construction from that put upon it by the prosecution. The accused (Mr. Vallandigham) had also three other witnesses, to wit: Leckey Harper, J. T. Irvine, and Frank H. Hurd, who were expected, but had not arrived when Mr. Cox concluded his evidence, but the Judge Advocate said that he agreed with the accused, that they would testify substantially to what Mr. Cox had stated, and thereupon the case closed.

Mr. Vallandigham then said: "Gentlemen of the Court, very briefly and respectfully I offer the following protest:"

Mr. Vallandigham's Protest.

"Arrested without process of law, without warrant from any judicial officer, and now in military custody, I have been served with a charge and specifications, as from a court-martial or military commission. I am not in either the land or the naval service of the United States, and therefore am not triable for any cause by such Court, but am subject, by the express terms of the Constitution, to arrest only by due process of law, or warrant issued by some officer of a court of competent jurisdiction for trial of citizens. I am subject to indictment and trial on presentation of a grand jury, and am entitled to a speedy trial, to be confronted with witnesses, and to compulsory process for witnesses in my behalf, and am entitled to counsel. All these I demand, as my right as a citizen of the United States. But the alleged offence is not known to the Constitution, nor to any law thereof. It is words spoken to the people of Ohio in an open public political meeting, lawfully and peacefully assembled, under the Constitution, and upon full notice.

"It is words of criticism of the public policy, of the public servants of the people, by which policy it was alleged that the welfare of the country was not promoted. It was an appeal to the people to change that policy, not by force, but by free elections and the ballot-box. It is not pretended that I counselled disobedience to the Constitution or resistance to the law or lawful authority. I never have. I have nothing further to submit.

"(Signed) C. L. Vallandigham.

"*May* 7."

JUDGE ADVOCATE. "I find nothing in the defence of the accused to call for remark, except that in regard to counsel and summoning of witnesses. He was permitted to have, and did have, counsel to consult with, and an opportunity was offered him to send for witnesses."

The Court was then cleared for deliberation, and after a session of three hours, their decision was made and submitted to General Burnside for his approval.

FINDING AND SENTENCE.

"The Commission, after mature consideration, on the evidence adduced and the statement of the accused, find the accused, Clement L. Vallandigham, a citizen of the State of Ohio, as follows:

"Of the charge, 'Guilty.'

"And the Commission do therefore sentence him, the said Clement L. Vallandigham, a citizen of the State of Ohio, to be placed in close confinement in some fortress of the United States, to be designated by the commanding officer of this Department, there to be kept during the continuance of the war.

"II. The proceedings, finding, and sentence in the foregoing case are approved and confirmed, and it is directed that the place of confinement of the prisoner, Clement L. Vallandigham, in accordance with said sentence, be Fort Warren, Boston Harbor.

"By command of Major-General Burnside.

LEWIS RICHMOND,
Ass't Adj.-General."

Two days after the trial, before the Military Commission, Hon. George E. Pugh, on behalf of Mr. Vallandigham, moved for a writ of *habeas corpus* before Humphrey H. Leavitt, Judge of the United States Court for the Southern District of Ohio. The privileges of the *writ* had not then been suspended, and the pretence that the President had a right to suspend it had been exploded. The motion was argued with great ability by Mr. Pugh, but after two or three days' consideration, and after consultation (?) with General Burnside, Judge Leavitt denied the motion, and refused to grant the *writ*, on the ground that the arrest was

legal, and that if it were illegal, it would not be obeyed. One sentence taken from the opinion of this distinguished jurist will give some idea of the language of the whole decision. He says: "*The sole question is whether the arrest was legal; and, as before remarked, its legality depends on the necessity which existed for making it, and of that necessity, for the reason stated, this Court cannot judicially determine.*" Such ignorance and disregard of law, and of the administration of justice, are a disgrace to the profession, and a libel on American jurisprudence. The position assumed in this opinion is equal in ignorance and audacity, as an insult to the intelligence of the American people, to that of President Lincoln's reply in answer to the address of the Albany committee, who waited upon him in regard to Mr. Vallandigham's arrest, when he said, "Mr. Vallandigham's arrest had been for *prevention*, and not for *punishment;* not so much for what had been done, *as for what probably would be done.*"

If the reader will turn to the Milligan Case — in this volume — he will find that the Supreme Court of the United States decided — the decision being delivered by a Republican judge, David Davis, all the members of the Court agreeing — that both the trial by a military commission, and the denial of the writ of *habeas corpus*, were illegal and arbitrary; and further, that neither the President nor Congress could suspend the writ of *habeas corpus* in a State not in rebellion; nor could a citizen of a State, not in rebellion, be legally tried by a military commission or court-martial. This decision covers the whole ground occupied by the Democratic party in their defence of constitutional liberty, and in their opposition to the manner in which the war was conducted, for which they were branded as being "*disloyal*," and is an indorsement of all they ever contended for.

The sentence of Mr. Vallandigham was not made known until several days after the denial of the motion for the writ of *habeas corpus*. The Commission, in their sentence, contemplated imprisonment in Fort Warren during the war.

The proposition of sending him to the Dry Tortugas Islands was discussed, and it is even said that it was the original purpose of General Burnside to have the sentence of death passed upon him, but was deterred from carrying this purpose into effect by the indignation of the people, especially Democrats, who had become aroused and violent on account of the arrest.

When the arrest and the result of the proceedings of the military commission had become generally known, indignation meetings — immense in numbers and influential in character — were held throughout the North and West. At New York, Philadelphia, Albany, and elsewhere, Democrats assembled by thousands, and tens of thousands, and protested against this usurpation of power. Committees, composed of leading and conservative men, were appointed to wait on the President, and urge him to reconsider and recall this arbitrary and illegal action, but the only response they received to these protestations was, "*Ephraim is joined to his idols, let him alone.*"

On the 19th of May, 1863, Mr. Vallandigham was placed upon the gunboat *Exchange*, commanded by Captain John Sebastian, to be taken to Louisville on his way South. A day or two after he was placed on board the *Exchange*, he was informed of the change in his sentence, from imprisonment in Fort Warren to banishment to the South, within the Confederate lines. Immediately on being informed of this change in his sentence, he drew up an address to the Democracy of Ohio, which he delivered to a friend, and at 11 o'clock on the 22d of May, the gunboat started down the Ohio river with the distinguished exile on board. The following is a copy of his address to the Democracy of Ohio

"MILITARY PRISON, CINCINNATI, OHIO,
May 22, 1863.

"TO THE DEMOCRACY OF OHIO:

"Banished from my native State for no crime save Democratic opinions, and free speech to you in their defence, and about to go into exile, not of my own will, but by the compulsion of an arbitrary and

tyrannical power which I cannot resist, allow me a parting word. Because despotism and superior force so will it, I go within the Confederate lines. I well understand the purpose of this order. But in vain the malice of enemies shall thus continue to give color to the calumnies and misrepresentations of the past two years. They little comprehend the true character of the man with whom they have to deal. No order of banishment, executed by superior force, can release me from my obligations, or deprive me of my rights as a citizen of Ohio and of the United States. My allegiance to my own State and Government I shall recognize, wheresoever I may be, as binding in all things, just the same as though I remained upon their soil. Every sentiment and expression of attachment to the Union, and devotion to the Constitution — to my country — which I have ever cherished or uttered, shall abide unchanged and unretracted till my return. Meantime, I will not doubt that the people of Ohio, cowering not a moment before the threats or the exercise of arbitrary power, will, in every trial, prove themselves worthy to be called freemen. C. L. VALLANDIGHAM."

For want of space, we will give but a brief account of Mr. Vallandigham's travels from the time of the departure of the gunboat *Exchange*, from Cincinnati, until the time of his sudden and unexpected return to his native State, Ohio. There are many incidents connected with these travels which are exceedingly interesting, the history of which, however, do not properly belong to our subject.

The gunboat *Exchange* arrived at Louisville on the 23d of May, and after remaining there a few hours, Mr. Vallandigham was placed under a strong guard, and started, by way of Nashville, for Murfreesboro', Tennessee, then the outpost of the Northern army. When he reached Murfreesboro' he was taken to the house of Hon. Charles Ready, the headquarters of the Provost-Marshal. Here he first met General Rosecrans, who rather upbraided him, without being offensive, for his opposition to the war, and also spoke of the feeling in the army against men in the North who were considered "disloyal." Mr. Vallandigham answered these allegations of "disloyalty" in a firm and dignified manner;

so much so that the General was taken by surprise, and, when he had partly recovered from this unexpected vindication of himself and his Northern Democratic friends, by Mr. Vallandigham, he remarked, "Why, sir, do you know that unless I protect you with a guard, my soldiers will tear you to pieces in an instant?" Mr. Vallandigham replied, "That, sir, is because they are just as prejudiced and ignorant of my character and career as yourself. But, General, I have a proposition to make. Draw your soldiers up in a hollow-square to-morrow morning, and announce to them that Vallandigham desires to vindicate himself, and I will guarantee that when they have heard me through they will be more willing to tear Lincoln and yourself to pieces than they will Vallandigham."

The General declined the proposition, and said, "He had too much regard for the life of the prisoner to try it." After this little episode, the conversation became more general and pleasant, and when — about midnight — the General arose to leave, he laid his hand on Mr. Vallandigham's shoulder, and remarked to one of his staff officers, "He don't look a bit like a traitor, now, does he, Joe?" When their long interview — about four hours, which was rather convivial than otherwise — ended, and the General had warmly shaken the distinguished prisoner by the hand and retired, the sound of hoofs and the rattling of sabres reminded him that he was banished, but "not set free."

About two o'clock in the morning Major Miles, the Provost-Marshal, surrounded by a large body of cavalry, started in the darkness, with the prisoner, toward the Confederate lines, by way of the Shelbyville pike, and, after marching about an hour, stopped at the house of a Mr. Butler, until the day began to dawn, when they proceeded on their march. When they had reached within a short distance of the Confederate lines a halt was made, and while the officers in charge of him went with a flag of truce to inform the officer in command of the Southern pickets of the arrival of Mr. Vallandigham, and of their mission, he tarried at the house

of a Mrs. Alexander, where he breakfasted. The Confederate officer, doubting the propriety of receiving Mr. Vallandigham within the Southern lines, sent word to General Bragg of the condition of affairs; but as General Bragg's headquarters were sixteen miles in the rear of the advance post of the Confederate picket-line, and considerable time would elapse before orders could be received from the Confederate headquarters, the Federal officer having the prisoner in charge, not wishing to be delayed, took him within a short distance of the extreme picket-line of the Confederate forces, and left him at the house of Jeremiah Odell. During the proceedings of this transfer from the Federal to the Confederate lines, it was observable that Mr. Vallandigham was affected, although he endeavored to conceal his feelings, and with partial success. A private in the Eighth Alabama regiment was sent to meet him, but before the Federal officers left, Mr. Vallandigham addressed these words to the Confederate soldier: "I am a citizen of Ohio and of the United States. I am here within your lines by force, and against my will. I therefore surrender myself to you as a prisoner of war." The Federal officers then bade him farewell and galloped away. In this novel situation Mr. Vallandigham was left for several hours, before orders were received from General Bragg. "They were hours," said he, "of solitude, but calmly spent — the bright sun shining in the clear sky above me, and faith in God and the future burning in my heart."

About noon a message came from General Bragg to bring Mr. Vallandigham to his headquarters, and, seated in an ambulance, under an escort of cavalry, he was driven through numerous camps to Shelbyville, where he arrived soon after dusk, and proceeded immediately to the headquarters of General Bragg. In the evening, after an interview with General Bragg, he was invited to the residence of Mrs. Eakin, where he was provided with a comfortable room, and retired early, as he had not slept more than half an hour since the previous Saturday night. He remained in Shelby-

ville about a week, most of the time in seclusion, and on the 1st of June was directed to report, on parole, to General Whiting, at Wilmington, North Carolina.

While Mr. Vallandigham was at Wilmington, North Carolina, to wit, on the 11th of June, the Democratic State Convention of Ohio assembled at Columbus. It was one of the largest political gatherings ever held in the United States. People came, in vast numbers, from every section of the State, and were wild with excitement because of the arrest and banishment of one of their most prominent and beloved citizens. When the Convention organized a ballot was taken for Governor, and Mr. Vallandigham was nominated by a vote of *four hundred and eleven* to thirteen. The nomination was then made unanimous, amidst the most unbounded applause. No greater compliment could be given to or confidence placed in a man. The Convention was composed of many of the leading men in the State — of many of his fellow-citizens who had known him from his childhood — and while he was in "exile," the people arose, *en masse*, to do him honor and elevate him to the highest position in his native State.

It may be proper to state in this connection, that Mr. Vallandigham, while involuntarily in the Confederate States, was held as an alien enemy and prisoner of war, on parole, however, and with the privilege to depart when he wished to do so.

At Wilmington he embarked on board the steamer *Cornubia*, Captain Gayle, which, on the evening of the 17th of June, successfully ran through the blockading squadron, and arrived at Bermuda on the 20th. An incident occurred, when he was on board the *Cornubia*, which showed Mr. Vallandigham's entire self-control in case of emergency, and the fertility of resources which he always had at command. During the passage from Wilmington to Bermuda, a United States war-steamer hove in sight and bore down on the *Cornubia*. The Captain of the *Cornubia*, as well as the passengers, became much alarmed at this demonstration, because

there were many things on board contraband of war, and Confederate officers and agents, who, no doubt, had valuable papers with them. As the war-steamer approached nearer and nearer, she being a fast sailing vessel, the alarm increased. In this perplexity the Captain rushed into Mr. Vallandigham's room to know what to do. Mr. Vallandigham, without any apparent alarm, inquired if there were any British uniforms on board, and being informed that there were, told the Captain to dress his men in these uniforms and march them up and down the deck, so as to produce the impression that it was an English transport ship. This *ruse* had the desired effect—the red coats made quite a display on the deck of the *Cornubia;* the United States war-steamer immediately changed her course, and the *Cornubia* went on her way without any further alarm to Captain or passengers.

Mr. Vallandigham remained in Bermuda about ten days, and then took ship for Halifax, where he landed on the 5th of July. From Halifax he went by way of Truro to Pictou, and then by steamer up the Gulf and River St. Lawrence to Quebec—thence to Montreal and Niagara Falls. At all these points he was received most hospitably.

A correspondent of a New York paper writing from Montreal, July 14th, says:

"As soon as it was known that Mr. Vallandigham was in Canada, Englishmen, Scotchmen, and Irishmen, who, as the sons of men that for five hundred years fought for the trial by jury, knew the value of *Magna Charta* and of *habeas corpus,* and of the *petition of right,* met almost spontaneously to bear tribute to him in whose person these three great bulwarks of British liberty had been violated."

At Montreal some of the most distinguished gentlemen of Canada gathered around him. The Club House tendered him a very handsome entertainment, which he accepted, and in reference to the speech which he made on this occasion the same correspondent says:

"Mr. Vallandigham confined his remarks to general principles of

liberty, law, *Magna Charta*, and *habeas corpus*, without any personal application to his own case, and dwelt upon how much the framers of the Constitution were guided by the British Barons of Runymede, my Lord Coke, the extorters of the right of petition from King Charles, the persevering energy that drew out that British writ of liberty, the *habeas corpus*, &c."

Mr. Vallandigham arrived at Niagara Falls on the 15th of July, and stopped at the Clifton House. On the same day he issued an address "*To the Democracy of Ohio*," which was most enthusiastically received and threw new life and spirit into the campaign. He remained at Niagara Falls and in the vicinity until the latter part of August, and thence proceeded to Windsor, C. W., opposite Detroit, Michigan, where he arrived on the 24th inst. From this point he had frequent communications with his fellow-citizens of Ohio, although he was continually surrounded by spies and informers.

We have stated that on the night of the 4th of May, 1863, Clement L. Vallandigham, a citizen of the State of Ohio, was kidnapped by the Government of the United States; that on the 6th inst. he was put on mock trial before a military commission formed to convict; that his sentence was banishment, and that on the 19th inst. he was placed on board the gunboat *Exchange*, to be carried down the Ohio River to Louisville, and thence to be taken and placed within the Confederate lines, as an exile.

On the night of the 14th of June, 1864, Clement L. Vallandigham is at Windsor, Canada West, making preparations for his return to his home, in Ohio. His eyebrows have suddenly become dark and heavy; his usually clean-shaven upper lip has been covered with a long, thick-set moustache; his closely-cut whiskers have been secreted by a huge black beard flowing down over his bosom; his corpulence is much increased by a pillow stuffed beneath his outer garments, and his entire external appearance presents a complete metamorphose. Of his intended departure no one knew; of his designs no one knew. Thus disguised, he

quietly emerges from his room at the Hirons House and soon joins the passengers on their way to the boat which plies between the shores of Her Majesty's dominions and those of the United States. He reaches the boat in safety; he crosses the river safely, but "there is many a slip betwixt the cup and the lip." Just as he is about to leave the boat and set his foot once more on the soil of his "own native land," he is approached by one of those sneaking United States officials, so obnoxious to every American freeman during those bitter times, who punches him in the abdomen, at the same time making the remark: "See here, old fellow, that won't do—you 've got contraband there." Although a man of nerve, Mr. Vallandigham was quite disconcerted at this proceeding, and waiting for a moment to recover from his embarrassment before he would make a reply, the officer, who by this time concluded *he* had made a mistake, came to his rescue, by saying, "Pardon me, I see I am mistaken; but I have to watch for tricks." Feeling a heavy burden lifted from a heavy heart by this unexpected result, Mr. Vallandigham merely bowed, left the boat and passed on into the streets of Detroit. Here he was again subjected to espionage. Having violated a petty municipal ordinance, of which he was ignorant, he was arrested. The police-officer who made the arrest said to him, "Come here to the light; let me look at you." They both went to a lamp-post, where they eyed each other sharply under the gas-light, when the officer said, "Well, you look like an honest man and a gentleman." Mr. Vallandigham, still keeping his eye steadily fixed on the officer, said, with emphasis, "*Sir, I am an honest man and a gentleman.*" To which the officer replied: "Then it 's all right; you can go." Mr. Vallandigham having escaped another perilous situation, bade him good-night, and proceeded to the railroad depot. Here it was necessary for him to say something, and when he first spoke, he noticed a man turn quickly around and look at him. On a second observation he saw it was a colored man, and took no further notice of his movements;

but when he got on the train, the same man came up to him and whispered, "I know your voice, but you are safe." Mr. Vallandigham had previously done this colored man a kindness, which he had not forgotten, and for which he now showed his gratitude, and allowed Mr. Vallandigham, who was in his power, go unmolested. Having thus so narrowly "escaped perils by sea and land," he was soon comfortably lodged in the berth of a sleeping-car, and hurried along through the night to the Democratic Convention, which met on the 15th, at Hamilton, Ohio, to elect delegates to the National Democratic Convention, to be held at Chicago. Passing through Dayton, his own home, he arrived at Hamilton in the forenoon of the day on which the Convention met, and at the very moment when the Montgomery County delegation was discussing the propriety of electing him a delegate to the Chicago Convention, hoping thereby to facilitate his return. On his arrival at Hamilton, he immediately sent a note to the Convention, of which the following is a copy:

"To J. A. McMahon or William H. Gillespie.

"I am in town, and will speak at the Court-House at two. Get out handbills.

"C. L. Vallandigham."

As no one expected his return, the news of his arrival came like a clap of thunder from a cloudless sky, and created the wildest excitement. He was elected a delegate to the Chicago Convention, and in that body moved that the nomination of General George B. McClellan for President be made unanimous.

Before the Hamilton Convention had completed its business, the news spread abroad that Vallandigham was coming, and a great crowd ran to meet him. He was borne on the shoulders of the populace to a platform erected for the occasion, in the Court-yard, from which he spoke as follows:

"*Men of Ohio:* — To-day I am again in your midst, and upon the soil of my native State. To-day I am once more within the District

which for ten years extended to me the highest confidence, and three times honored me as its representative in the Congress of the United States. I was accused of no crime against the Constitution and laws, and guilty of none, but whenever and wherever thus charged, upon due process of law, I am now here ready to answer before any civil court of competent jurisdiction, to a jury of my own countrymen, and in the meantime to give bail in any sum which any judge or court, State or Federal, may affix; and you, the one hundred and eighty-six thousand Democrats of Ohio, I offer as my sureties. Never for one hour have I remained in exile because I recognized any obligation of obedience to the unconstitutional and arbitrary edict, neither did personal fear ever restrain me. And to-day I return of my own act and pleasure, because it is my constitutional and legal right to return. Only by an exertion of arbitrary power, itself against the Constitution and law, and consummated by military force, I was abducted from my home and forced into banishment. The assertion or insinuation of the President that I was arrested 'because laboring with some effect to prevent the raising of troops and to encourage desertion from the army,' and was responsible for numerous acts of resistance to the draft and to the arrest of deserters, causing 'assassination, maiming, and murder;' or that at any time, in any way, I had disobeyed or failed to counsel obedience to the lawful authority, or even to the semblance of law, is absolutely false. I appeal for the proof to every speech I ever made upon those questions, and to the very record of the mock Military Commission by the trial and sentence of which I was outraged. No; the sole offence then laid to my charge was words of criticism of the public policy of the Administration, addressed to an open and public political meeting of my fellow-citizens of Ohio, lawfully and peaceably assembled. And to-day my only 'crime' is, that in the way which they call treason, worship I the Constitution of my fathers. But for now more than one year no public man has been arrested, and no newspaper suppressed within the States adhering still to the Union, for expression of political opinion; while hundreds, in public assembly and through the press, have, with a license and violence in which I never indulged, criticised and condemned the acts and policies of the Administration, and denounced the war, maintaining even the propriety and necessity of the recognition of Southern independence. Endorsed by nearly two hundred thousand freemen of the Democratic party of my native State at the late election, and still with the sym-

pathy and support of millions more, I do not mean any longer to be the only man of that party who is to be the victim of arbitrary power. If Abraham Lincoln seeks my life, let him so declare; but he shall not again restrain me of my personal liberty, except upon 'due process of law.' The unconstitutional and monstrous 'Order No. 38,' under which I alone was arrested thirteen months ago, was defied and spit upon at your State Convention of 1863, by the gallant gentleman who bore the standard as your candidate for Lieutenant-Governor, and by every Democratic press and public speaker ever since. It is dead. From the first it was against the Constitution and laws, and without validity; and all proceedings under it were and are utterly null and void, and of no effect. The indignant voice of condemnation long since went forth from the vast majority of the people and press of America, and from all free countries in Europe, with entire unanimity. And more recently, too, the 'platform' of an earnest, numerous, and most formidable convention of the sincere Republicans, and still further, the emphatic letter of acceptance by the candidate of that Convention, General John C. Fremont, the first candidate also of the Republican party for the Presidency eight years ago, upon the rallying cry of Free Speech and a Free Press, give renewed hope that at last the reign of arbitrary power is about to be brought to an end in the United States. It is neither just nor fit, therefore, that the wrongs inflicted under 'Order Thirty-Eight,' and the after-edicts and acts of such power, should any longer be endured — certainly not by me alone. But every ordinary means of redress has first been exhausted; yet either by the direct agency of the Administration and its subordinates, or through its influence or intimidation, or because of want of jurisdiction in the civil courts to meet a case which no American ever in former times conceived to be possible here, all have failed. Counsel applied in my behalf to an unjust judge for the writ of *habeas corpus*. It was denied; and now the privilege of that writ is suspended by Act of Congress and Executive order in every State. The Democratic Convention of Ohio, one year ago, by a resolution formally presented through a committee of your best and ablest men, in person, at Washington, demanded of the President, in behalf of a very large minority of the people, a revocation of the edict of banishment. Pretending that the public safety then required it, he refused, saying at the same time that 'it would afford him pleasure to comply as soon as he could by any means be made to believe that the public safety

would not suffer by it.' One year has elapsed, yet this hollow pretence is still tacitly asserted; and to-day I am here to prove it unfounded in fact. I appealed to the Supreme Court of the United States; and because Congress had never conferred jurisdiction in behalf of a citizen tried by a tribunal unknown for such purposes to the law, and expressly forbidden by the Constitution, it was powerless to redress the wrong. The time has therefore arrived when it becomes me, as a citizen of Ohio and of the United States, to demand, and by my own act to vindicate, the rights, liberties, and privileges which I never forfeited, but of which for so many months I have been deprived. Wherefore, men of Ohio, I am again in your midst to-day. I owe duties to the State, and am here to discharge them. I have rights as a citizen, and am here to assert them: a wife and child and home, and would enjoy all the pleasures which are implied in these cherished words. But I am here for peace, not turbulence; for quiet, not convulsion; for order and law, not anarchy. Let no man of the Democratic party begin any act of violence or disorder; but let none shrink from any responsibility, however urgent, if forced upon him. Careful of the rights of others, let him see to it that he fully and fearlessly exact his own. Subject to rightful authority in all things, let him submit to excess or usurpation in nothing. Obedient to Constitution and law, let him demand and have the full measure of protection which law and Constitution secure to him.

"*Men of Ohio:* — You have already vindicated your right to *hear:* it is now my duty to assert my right to *speak.* Wherefore, as to the sole offence for which I was arrested, imprisoned, and banished, free speech in criticism and condemnation of the Administration, an Administration fitly described in a recent public paper by one of its early supporters, 'marked at home by disregard of constitutional rights, by its violation of personal liberty and the liberty of the press, and, as its crowning shame, by its abandonment of the right of asylum, a right especially dear to all free nations abroad:' I repeat here to-day, and will again, and yet again, so long as I live, or the Constitution and our present form of Government shall survive, the words then spoken and the appeal at that time made, and now enforced by one year more of taxation and debt, and of blood and disaster, entreating the people to change the public servants and their policy, not by force, but peaceably, through the ballot. I now and here reiterate in their utmost extent and with all their significancy, I repeat them, one and all, in no spirit of challenge or bravado, but as earnest, sober, solemn truth and warning to the people.

"Three years have now passed, men of Ohio, and the great issue, constitutional liberty and free popular government, is still before you. To you I again commit it, confident that in this the time of their greatest peril you will be found worthy of the ancestors who, for so many ages in England and America, in the field, in prison and upon the scaffold, defended them against tyrants and usurpers, whether in council or in arms."

After the meeting was over, Mr. Vallandigham and his friends took a car to themselves and proceeded to his home, at Dayton, where, it is unnecessary to say, the greatest enthusiasm, on account of his welcome return, prevailed. Carriages were awaiting at the depot on the arrival of the train, in which Mr. Vallandigham and his friends drove to his home, where he was once more surrounded by an affectionate family, from whom he had been separated by "banishment" and "exile" for more than a year.

No attempt at a re-arrest was made. It was said that the "government at Washington" contemplated the re-arrest of Mr. Vallandigham, and that when Mr. Lincoln was considering the question, he asked a Senator from Ohio, "What he thought of a re-seizure of Mr. Vallandigham? to which the Senator asked Mr. Lincoln, if he was ready to transfer the army of Virginia to Ohio; if not, the attempt had better not be made."

Had there been an attempt to make a re-arrest, hundreds of thousands of brave and patriotic men would have rallied around the standard of Vallandigham in defence of Constitutional liberty.

Subsequent events in the career of Mr. Vallandigham do not belong to our subject, and here we close this narrative of his arbitrary arrest, illegal imprisonment, mock trial, banishment, exile, and return.

Posterity will read this chapter in American history, and will render an impartial verdict.

Another sad record remains to be made, and we have done — his death.

Mr. Vallandigham had been employed as counsel to defend

a man by the name of Thomas McGehan, who was accused of having shot and killed another, by the name of Thomas Myers, in a saloon known as "The American," in Hamilton, Butler County, Ohio, on the night of the 24th of December, 1870. Others, it was said, were implicated in the murder, but public opinion seemed to point to McGehan as the guilty man, and the people of Hamilton and vicinity thereupon became greatly excited, and threatened to lynch him. He was indicted for the offence of killing Myers, as were several other persons, either as principals or accessories. The popular feeling against McGehan, however, continued so great that it was deemed not only prudent, but an act of justice, that the venire be changed. This was done. It was changed to Warren County. Here, at Lebanon, the county-seat of Warren County, the trial of McGehan was commenced, on the 6th of June, 1871. Some of the ablest and most experienced lawyers in the State were employed, both for the prosecution and for the defence. To Mr. Vallandigham was assigned, by his colleagues, the chief management of the case for the defendant — McGehan. It is needless to say he entered upon the discharge of this duty — as was his nature in everything he undertook to accomplish — with the most intense ardor and great labor. His whole heart and soul seemed to be wrapped up in the cause of his client.

The trial was conducted with great ability and untiring industry on both sides. On Thursday, the 15th of June, the evidence was closed, and on Friday morning J. F. Follett, Esq., of Cincinnati, commenced the opening argument for the State, which he concluded about three o'clock P. M. the same day. Mr. Vallandigham then asked for an adjournment of the court until the next morning, so that his colleague, Thomas Millikin, Esq., could commence his argument for the defence on Saturday morning, consume the whole day, and thus allow him (Mr. Vallandigham) Monday to make his speech, which he had hoped would be the great legal argument of his life. After a good deal of discussion, the arrangement was made. Mr. Vallandigham was much pleased at the

result, and left the court-room in the most exuberant spirits. It was the last time he ever appeared in a court-room.*

From an account given by a correspondent of the Cincinnati *Enquirer*, we gather the following facts, which appeared in that paper at the time, in relation to the untimely death of Mr. Vallandigham:

"After taking supper (the evening of the 16th), he procured from the landlord of the hotel a bit of white muslin cloth, perhaps a foot square, for the purpose of testing to his own satisfaction the question as to whether a shot fired from a pistol in close proximity to it would or would not leave a mark of powder upon it. Having provided himself with this, and put his pistol in his pocket, he and Mr. Millikin and Mr. Hume went out together to the south edge of the town, beyond the residence of Governor McBurney. Arriving there, they were joined by Mr. McBurney, and the trio became a quartette.

"The pistol which he took with him for this purpose is a new revolver, which he had purchased only a few days before coming to Lebanon. It is one of Smith & Wesson's manufacture, with a four-inch barrel and five chambers, and carries a ball of $\frac{32}{100}$ of an inch calibre. It is a beautiful weapon, handsomely, though not elaborately, ornamented; and its owner little thought, when so recently purchasing it, that it would so soon be the instrument of his untimely death.

"Two shots were fired into the cloth, and all were satisfied with the result of the experiment, and started back to the hotel.

"Mr. Millikin, ever cautious and thoughtful, said:

"'Vallandigham, there are three shots in your pistol yet. You had better discharge them.'

"'For what?' responded Mr. Vallandigham.

"'To prevent any accident,' replied the cautious attorney. 'You might shoot yourself.'

"'No danger of that,' replied Mr. Vallandigham. 'I have carried and practised with pistols too long to be afraid to have a loaded one in my pocket.'

* The jury in the case of McGehan could not agree and were discharged. The case was then removed to Montgomery County, where, after a second trial, the jury brought in a verdict of murder in the second degree, and a motion being made for a new trial, which was granted, a third jury rendered a verdict of acquittal.

"'You had better be careful, though,' said Mr. Millikin.

"'Never fear me,' was the reply.

"They then slowly walked back toward the town, and, before they had reached the hotel, separated.

"Arriving at the Lebanon House alone, Mr. Vallandigham was stopped on his way up-stairs by the landlord, and a package, that had been left for him in his absence, placed in his hands. That parcel contained another revolver — a weapon that had been exhibited at the trial in Court, and was not only unloaded, but had had the chambers removed. Proceeding to his room, he unwrapped the parcel, and at the same time taking his own weapon from his pocket, laid the two murderous instruments on the table, side by side.

"A moment later, Mr. Scott Symmes, a young lawyer who had been connected with the prosecution of the case, passed the door.

"'Symmes,' said he, 'Follett is mistaken. A man could easily shoot himself as Myers was shot. Come, and I will show you how it 's done.'

"Thus invited, Symmes entered the room; but a moment later, seeing Judge Pope coming up the stairs, excused himself, on the ground that he was going to Hamilton in the morning, and wished to see the Judge before he left. He passed out, and a minute or so afterward Mr. McBurney came into the room Mr. Vallandigham, still standing by the table on which the pistol lay, said:

"'I 'll show you how Tom Myers shot himself. Follett 's mistaken when he says it can't be done.' Saying this, he took one of the murderous instruments in his hands, put it into his pantaloons' pocket, and slowly drawing it out again, cocking it as he drew it forth, he attempted to place it in the exact position which he believed Myers' weapon to have assumed at the moment the fatal bullet was sped on its mission of death. The muzzle of the weapon still within the lappel of the pocket, he brought it to an angle of about forty-five degrees.

"'There, that 's the way Myers held it, only he was getting up — not standing erect.' Saying this, he touched the trigger.

"A sudden flash — the half suppressed sound of a shot — and Clement L. Vallandigham, with an expression of agony, exclaimed: 'My God, I've shot myself!' and reeled toward the wall a wounded and dying man — wounded and dying by his own hands.

"This happened at the hour of nine o'clock, or perhaps five or ten minutes earlier. In a second of time Mr. McBurney, terrified at the occurrence, rushed out of the room and along the hall to the apart-

ment where the jury was quartered. Rapping at the door, he eagerly demanded that some one should come into Mr. Vallandigham's room, as he had shot himself. Mr. Tischnor, the constable having them in charge, was momentarily absent, but several of the jurors hurried into the room. Meantime Mr. J. C. Babbitt, whose room (No. 17) was only next door, had heard the sound, and suspecting its cause, also came in. He arrived first, and found Mr. Vallandigham alone, leaning against the wall. He asked what had happened.

"'I have foolishly shot myself,' said the wounded man, as he sank into a chair. 'What folly it was to try such an experiment! By mistake I took up the wrong pistol.' The pistol had dropped from his hand at the moment he fired, and was still lying on the floor. The other one, empty and harmless, lay on the table.

"A moment later, three or four jurors came in with Mr. McBurney, and found Mr. Vallandigham with clothes opened, feeling along his abdomen in search of the bullet. He remained thus employed, and explaining the mistake he had made, for several minutes, when, growing faint, he was laid on the bed. . . .

"After the arrival of physicians, an examination of the wound and a hurried consultation followed, and the prostrate man was informed that his injuries were of the most serious character, though they hoped that they might not prove to be fatal.

"'Has the ball been reached?' said he to the physicians.

"'No, it has not,' was the answer.

"'Has it entered a vital part?'

"'We cannot tell.'

"Closing his mouth with that firmness of purpose which characterized him in everything, he expressed a wish that they would ascertain and tell him the worst feature that the case might present. . . .

"From eleven to twelve o'clock frequent vomitings ensue, and an increase of pain. Narcotics, which have been administered sparingly hitherto, are now doubled in the doses, and a sort of lethargy ensues. The hour of midnight finds the wounded man comparatively easy, but with accelerated pulse and frequent and short breathing. Soon after this he is moved to his right side, and a hemorrhage of blood follows — a hemorrhage which results in a loss of half a pint of blood, and reveals the terrible nature of the wound.

"A little past one Dr. Reeve arrives, accompanied by the son of the unfortunate man. The family physician enters, and with his practical eye, familiar with his patient, a conclusion is soon arrived at — the wounded man must die.

"Mr. Vallandigham knew him, and greeted him cheerily.

"'Doctor, is my wound as bad as that of Jake Rapp's?' referring to a man on whom the doctor had attended, and who had recovered.

"'Yes, it is worse than that.'

"'Or of Lambert's?' referring to another and similar one.

"'No, not worse than Lambert.'

"'Well, if you can get this pain from my stomach, I will get along.' This with his peculiar smile of self-reliance.

"At this juncture Mr. Vallandigham's son appeared and entered the room. On approaching the bedside of his father, tears filled the eyes of the young man, and there was a look of tender affection from those of the parent that bespoke the wealth of that parent's love.

"Placing his hand on the head of his boy, he fondled for a moment the object of his love. 'Charley,' said he, fondly, 'be a good boy.' After a short time he again turned to him, saying: 'You are tired; you had better go to bed.'

"Weeping, the young man was led from the room.

"At four o'clock A. M., the symptoms were thought to be more alarming. Several friends of the wounded man, who had laid down to get a snatch of sleep, were roused up. The son appeared at the bedside again, the associates in trial now in progress, Judge Haynes, his professional partner Judge McKenny, and several other intimate personal friends, who had arrived during the night, were grouped about the room and gathered around the bed. In the past two hours a very noticeable change had come over the appearance of the wounded man. His breathing was still more difficult, and he was manifestly fast losing strength. It was thought that his hour was come. The gray dawn of morning twilight was just giving way to the light of day. In the trees on the opposite side of the street might be heard the song of birds, and the sidewalks below were just beginning to resound to the footsteps of early-rising pedestrians.

"By the side of the bed, and fanning his father, sat young Vallandigham. At the foot sat the venerable Judge Smith; on either side were his professional associates, Judges Haynes and McKenny, and Messrs. Hume, Millikin, and others. The sound of approaching wheels was heard, and in a moment the physician who had been summoned from Cincinnati drove up to the door. A moment later he was in the room. He had driven twenty-eight miles through the dark in four hours, and found out that the patient he had come to see was beyond human power to save. He could only alleviate the suffering, not cure the malady, of him whom he had come to see.

"Five, six, and seven o'clock were successively struck, and the strong man lay motionless, and seemingly almost insensible on the bed. Once or twice he muttered something that indicated that his mind was wandering, but at no time did courage seem to forsake him. It seemed to be a struggle for life, with the odds fearfully against it.

"Shortly after seven o'clock Tom McGehan, the man whom he was here to defend, appeared, under escort of an officer from the jail. The man charged with murder, who has always been represented as being cold and remorseless as the grave, could not repress his tears. They fell thick and fast, and, weeping, he was led from the room back to his cell.

"Nearly at the same time McGehan's wife and children were admitted to gaze upon the one whom they had hoped would be the deliverer of their father and husband, but who, in his zeal for their cause, had taken his own life. This was one of the most affecting scenes of the day.

"From about three o'clock this morning until the hour of his death the patient seemed to suffer intense agony. Although partially under the influence of opiates, he was still conscious, and would readily answer the few questions addressed him by his friends and physicians.

"About half-past nine o'clock, after an unusually violent struggle, the eyes began to grow glassy and the face to assume that rigidly infallible sign of death. He remained perfectly quiet in this position for about fifteen minutes, when, by a sudden movement, the body stretched its full length in the bed, the eyes closed, and with a deep-drawn sigh the dauntless soul deserted its tenement of clay, and C. L. Vallandigham was dead."

The funeral of Clement L. Vallandigham took place in Dayton, on June 20, 1871.

"On a catafalque covered with black velvet, and placed in the centre of the hall, rested the coffin. It was of rosewood, richly and beautifully finished; on each side were four massive silver handles with silver tassels; it was ornamented with Masonic emblems, engraved on silver shields set between the handles. On the lid was a broad plate, with the inscription:

"CLEMENT LAIRD VALLANDIGHAM.

BORN, JULY 29th, 1820.

DIED, JUNE 17th, 1871."

CONCLUSION.

COULD there be a more appropriate day to write the conclusion to the AMERICAN BASTILE than the FOURTH OF JULY? Ninety-three years ago, this day, the DECLARATION was read to a patriotic people from the southern steps of INDEPENDENCE HALL—nigh to where I now write—Philadelphia. Seven years from this day, will be celebrated—unless IMPERIALISM supplant FREE GOVERNMENT—the Centennial Anniversary of AMERICAN INDEPENDENCE. In the DECLARATION OF INDEPENDENCE are these words: "The history of the present King of Great Britain is a history of repeated INJURIES and USURPATIONS, all having, in direct object, the establishment of an ABSOLUTE TYRANNY OVER THESE STATES."

DOES HISTORY REPEAT ITSELF?

For a response, we point to the AMERICAN BASTILE.

Did King George III. imprison, "without warrant of law," from TEN to TWENTY THOUSAND of his subjects, during a seven years Colonial warfare, as did Mr. Lincoln citizens of the United States, in States not in rebellion, during a civil warfare of four years?

Were members of the House of Lords, and of the House of Commons, because of their opposition to the measures of the Government of George III., expelled, as was the case with members of the United States Senate, and of the House of Representatives, because of their opposition to the measures of the Administration of Abraham Lincoln?

Seven years from this day, we hope to celebrate the Centennial Anniversary of the Declaration of American Independence, when, but FIFTEEN YEARS before, the whole land of the FREE Northern Civil States was dotted over with

FORTS, PENITENTIARIES, JAILS, BARRACKS, and PRISON CAMPS —AMERICAN BASTILES—which contained, during the short period of FOUR YEARS, as variously estimated, from TEN to TWENTY THOUSAND men, besides women and children—FREE citizens of FREE STATES, incarcerated by the edict of one man, because they did not choose, or were *supposed*, not to obey his mandates: *Suspects*—the drama of the French Revolution re-enacted.

We see in every order of arrest issued; in the deceitful eye of every spy; in the treacherous heart of every informer; in every telegraphic warrant; in every handcuff that binds the wrists of a free man; in every dim ray of sunlight that penetrates the gloomy cell—we hear in every sound of the "little bell;" in every free wind that whistles in bitter mockery around casemate, battlement, and tower; in every wintry blast that chills the blood of the citizen in the open prison-camp; in every word of the sentinel; in every laugh of the oppressor; in the morning and evening prayer offered up at the altar of the mother, wife, sister; at the grave of the child, Madame Roland exclaim, OH! LIBERTY, WHAT CRIMES ARE COMMITTED IN THY NAME!

DOES HISTORY REPEAT ITSELF?

Six hundred and fifty-four years ago, on an island meadow in the river Thames, still known as Runnymede, the ironclad friends of freedom, in England, met King John, and wrested from him Magna Charta, the great charter of English liberty. It contains these words: "NO FREEMAN SHALL BE TAKEN, OR IMPRISONED, OR DISPOSSESSED, OR OUTLAWED, OR IN ANY WAY DESTROYED; NOR WILL WE PASS UPON HIM, NOR COMMIT HIM, BUT BY THE LAWFUL JUDGMENT OF HIS PEERS, OR BY THE LAW OF THE LAND.

"TO NO MAN WILL WE SELL, TO NONE WILL WE DELAY, TO NONE WILL WE DENY RIGHT OR JUSTICE."

This is the great germ of *our* civil liberty.

It was defended in England by many bloody wars, and has been ratified by many acts of Parliament. From it sprang the HABEAS CORPUS, which, at the present day, no King or Parliament of England would dare in any way to restrict the

privilege of. It was engrafted as a fundamental principle in our Constitution, and our forefathers believed it to be a sure guarantee for the rights of future generations.

About six years before the Federal Constitution was adopted, a remarkable prophecy was uttered, under the following circumstances: In 1780, Henry Laurens, former President of the Continental Congress, was sent as Minister to Holland. On his way he was captured, and imprisoned in the Tower of London for fourteen months. When Lord Shelburne became Premier, Laurens was brought up on *habeas corpus*, and released. After his release, he dined with Lord Shelburne, when the conversation turned on the separation of the two countries. Lord Shelburne remarked:

"I am sorry for your people."

"Why so?" asked Laurens.

"They will lose the *habeas corpus*," was the reply.

"Lose the *habeas corpus!*" said Laurens, in astonishment.

"Yes," said Lord Shelburne. "We purchased it with centuries of wrangling, many years of fighting, and had it confirmed by at least fifty acts of Parliament. All this taught the nation its value; and it is so ingrained into their creed, as the very foundation to their liberty, that no man or party will ever dare to trample on it. Your people will pick it up and attempt to use it, but, having cost them nothing, they will not know how to appreciate it. *At the first great internal feud that you have, the* MAJORITY WILL TRAMPLE UPON IT, AND SO WILL GO YOUR LIBERTY."

We present to the public the history of a few of the cases — representing different walks of life — of the THOUSANDS of inoffensive citizens of the FREE States, not in rebellion, incarcerated in American Bastiles, during the late civil war.

In this volume there is no assertion or statement made, which is not true in every particular, in so far as the author is aware. *He regrets it, if he has made a single misstatement in point of fact.*

To the gentlemen who have furnished the author with

facts contained in this volume, he begs to return his sincere thanks. To Mr. Mahony he is especially indebted.

As has been said before, the great object of this work is to aid in restoring to the citizen all his rights of citizenship — to assist in perpetuating free institutions in our country — and help to prevent, *if possible*, in the future, a repetition of the wrongs and crimes committed by a reckless Administration during the last few years.

The American people have a glorious inheritance, if they fully appreciate it. But, like the legacy to the spendthrift, when once squandered and gone, *it cannot be regained.*

That which it has taken ages to establish, may in a short time be swept, by the hand of the usurper, from existence.

It therefore behooves the citizen to watch with jealous care every encroachment upon his chartered rights, and protect them against every act which tends to subvert them.

The death of free government! Who can contemplate the melancholy spectacle it presents, without sorrow? When! how! can it be restored to life? "Where, in what age and in what clime, have the ruins of constitutional freedom renewed their youth and regained their lost estate? By whose strong grip has the corpse of a Republic ever been resurrected? The merciful Master who walked upon the waters and bade the winds be still, left no ordained apostles with power to wrench apart the jaws of national death and release the victims of despotism. Wherever in the wide domain of human conduct a people once possessed of liberty, with all power in their own hands, have surrendered these great gifts of God at the command of the usurper, they have never afterward proven themselves worthy to regain their forfeited treasure."

The safeguards of the State are in the Constitution. In it repose the liberties of the people. Hence the people should "cling to the Constitution, as the shipwrecked mariner clings to the last plank, when night and the tempest close around him."

On the opposite page, we exhibit to the reader a *fac-simile* of the KEY OF THE BASTILE, presented by Lafayette to Washington, after the demolition of the Bastile, in Paris, in 1789.

The key still hangs in Mount Vernon. But, reader, what does it suggest to you? Does it carry you to Fort Warren? Fort Lafayette? Fort McHenry? Will you make your own comments? Will you draw your own conclusions? We have given you *facts:* what more do you want? Has the right of FREE SPEECH been restored to you? THEN SPEAK. Do you think the liberties of the citizen, under our Constitution and in our country, are as *secure* as they were, and seemed to be, half a century ago?

THE KEY OF THE BASTILE!

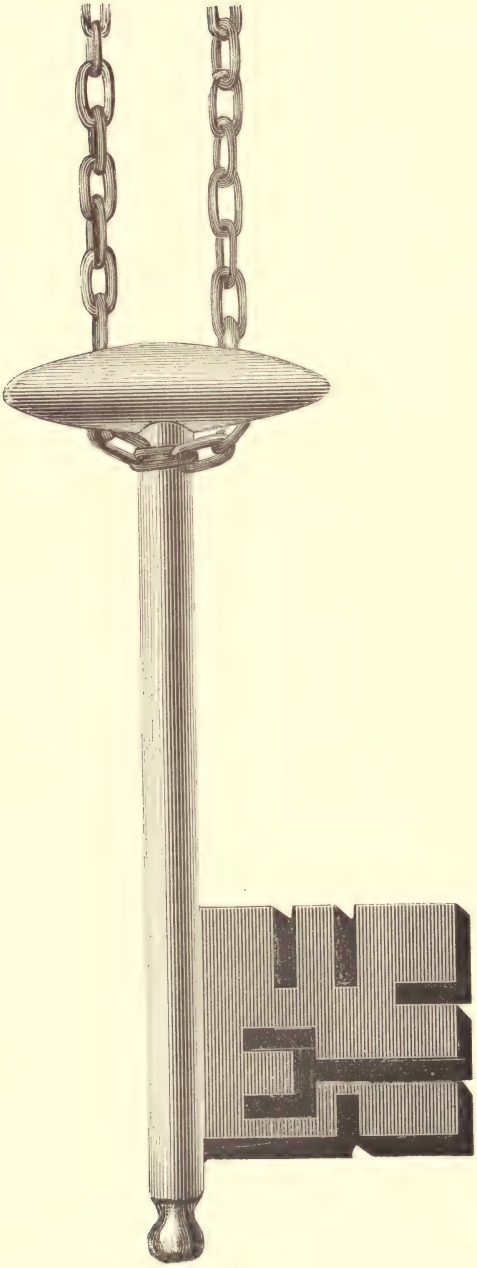
What memories cluster around it! What sadness! What sorrows! What of oppression does it suggest? What of usurpation? What of a CONSTITUTION broken into fragments?

Will the PEOPLE now *stop* to consider? Can we look to them for redress?

Have our forefathers labored in vain, and do we *still* plead in vain, for the protection of the rights and liberties of the citizen under our Constitution?

OUR HOPE IS IN THE PEOPLE.

"A THOUSAND YEARS SCARCE SERVED TO FORM A STATE;
AN HOUR MAY LAY IT IN THE DUST; AND WHEN
CAN MAN ITS SHATTERED SPLENDOR RENOVATE,
RECALL ITS VIRTUES BACK, AND VANQUISH TIME AND FATE?"



FAC-SIMILE OF THE KEY OF THE BASTILE, PARIS.

APPENDIX.

WE here give a copy of *some* of the Orders, Proclamations, etc., issued by the President, or his Secretaries, in regard to the illegal arrests and imprisonment of citizens. It will be seen, from these orders, that Mr. Lincoln was responsible for all the arrests made, whether by the civil or military authorities.

A.

On the 3d of December, 1861, an order, signed by Seth C. Hawley, Chief Clerk of the Metropolitan Police Commissioners of New York, was read to the prisoners of state in Fort Lafayette. He acted, as he stated, under orders of Wm. H. Seward, Secretary of State. The order ran as follows:

"I am instructed by the Secretary of State to inform you that the Department of State of the United States will not recognize any one as an attorney for political prisoners, and will look with distrust upon all applications for release through such channels; and that such applications will be regarded as additional reasons for declining to release the prisoners.

"And further, that if such prisoners wish to make any communication to the Government, they are at liberty, and are requested, to make it directly to the State Department.

(Signed) SETH C. HAWLEY."

B.

A lengthy proclamation, promulgated by Mr. Stanton, entitled, "*Executive Order in relation to State Prisoners, No.* 1,"

and dated February 14, 1862, a month after his appointment as Secretary of War, appeared in the newspapers. This order contained a summary of Mr. Stanton's views and opinions upon the revolution in the Southern States, its course and probable results, and upon the action of the Federal Government, and concluded thus:

"The insurrection is believed to have culminated and to be declining. The President, in view of these facts, and anxious to favor a return to the normal course of the Administration, as far as a regard for the public welfare will allow, directs that all political prisoners or state prisoners now held in military custody, be released on their subscribing a parole, engaging them to render no aid or comfort to enemies in hostility to the United States. The Secretary of War will, however, in his discretion, except from the effects of this order any persons detained as spies in the service of the insurgents, or others whose release at the present moment may be deemed incompatible with the public safety.

"To all persons who shall be so released, and shall keep their parole, the President grants an amnesty for any past offences of treason or disloyalty which may have been committed. Extraordinary arrests will hereafter be made under direction of the military authorities alone.

"By order of the President.

(Signed) EDWIN M. STANTON,
Secretary of War."

C.

Shortly afterward, the following order was also promulgated by the Secretary of War:

"OFFICIAL.

"*Executive Order No. 2, in relation to the State Prisoners.*

"WAR DEPARTMENT, Washington City, February 27, 1862.

"It is ordered:

"*First.* That a special Commission of two persons—one of mili-

tary rank, and the other in civil life — be appointed to examine the cases of the state prisoners remaining in military custody of the United States, and to determine whether, in view of the public safety, and the existing rebellion, they should be discharged, or remain in military custody, or be remitted to the civil tribunals for trial.

"*Second.* That Major-General John A. Dix, commanding in Baltimore, and the Hon. Edwards Pierrepont, of New York, be and they are hereby appointed Commissioners for the purposes above mentioned; and they are authorized to examine, hear, and determine the cases aforesaid, *ex parte*, and in a summary manner, at such times and places as in their discretion they may appoint, and make full report to the War Department.

"By order of the President.

(Signed) EDWIN M. STANTON,
Secretary of War."

D.

"WAR DEPARTMENT,
Washington, July 26, 1862.

"To H. M. HOXIE, United States Marshal of the District of Iowa:

"You are hereby authorized and instructed to arrest and imprison any disloyal person or persons in your district, who shall do any act or make any declaration or publication to discourage or prevent enlistment of volunteers to suppress the rebellion, or to afford aid and comfort to the enemies of the United States. You are also authorized and directed to call upon any military officer in your district, or elsewhere convenient thereto, for military force to guard and keep them in safe custody.

"Any person or persons arrested under this authority, you will transport in safe custody to the Military Governor of the District of Columbia, and make report to this Department.

"All officers and persons in the military service of the United States to whom this order may be exhibited, and who shall be called upon by the within-named Marshal for aid to make arrests of disloyal persons, are hereby directed to render such aid as

may be at their command, and employ their force for that purpose. The necessary transportation and subsistence required for the execution of this order will be furnished by all quartermasters and commissaries when requisitions may be made.

(Signed) EDWIN M. STANTON,
Secretary of War."

"INDORSEMENT.

"FRIEND LOWERY: Read the within carefully, and, if any one in your region comes within its terms, write to Hoxie.

(Signed) S. J. KIRKWOOD.

"P. S.—There are persons, if I mistake not, in Wapello County, that need attending to."

The above is a specimen of an order issued to Provost Marshals, authorizing them to make arrests prior to the issuing of the President's Proclamation of September 24, 1862, suspending the privilege of the writ of *habeas corpus*.

This order, directed to the United States Marshal for Iowa, and indorsed by Governor Kirkwood of that State, was the *authority* for the arrest of all citizens subsequently arrested throughout all the States.

E.

ORDERS OF THE WAR DEPARTMENT, ON WHICH AMERICAN FREEMEN WERE KIDNAPPED AND IMPRISONED — SUSPENSION OF THE WRIT OF HABEAS CORPUS.

The first public order which emanated from the War Department directing the kidnapping of American citizens, and indeed of every one else who might fall under the ban of the displeasure of the Administration, was dated the 8th of August, 1862.

A number of cases of arbitrary arrests had occurred before this, some of them as early as May of the previous year, but there was no general order, it seems, to warrant or direct such proceedings.

A telegraphic despatch, or a private order from the State or War Department, was the usual warrant previous to the 8th of August, 1862, for depriving freemen of their liberty.

The orders were as follows:

"WAR DEPARTMENT, August 8, 1862.

"Ordered:

"*First.* That all United States Marshals, and Superintendents, and Chiefs of Police of any town, city, or district, be, and they are hereby authorized and directed to arrest and imprison any person or persons who may be engaged by act, speech, or writing, in discouraging volunteer enlistments, or in any way giving aid and comfort to the enemy, or for any other disloyal practice against the United States.

"*Second.* That immediate report be made to Major L. C. Turner, Judge Advocate, in order that such persons may be tried before a military commission.

"*Third.* The expense of such arrest and imprisonment will be certified to the Chief Clerk of the War Department for settlement and payment.

EDWIN M. STANTON,
Secretary of War."

F.

On the same day another order was issued, which, among other things, suspended the writ of *habeas corpus*, not by authority of Congress, as required by the Constitution, nor even by the President — granting he had the authority to do so, which we do not — but by Edwin M. Stanton, who was holding a mere statutory office, and who at most had the right to exercise only such powers as the statute creating the office gave him authority to do. But here, nevertheless, is his order suspending the writ of *habeas corpus*:

"WAR DEPARTMENT,
Washington, August 8, 1862.

"Order to prevent evasion of military duty and for suppression of disloyal practices, and for the suspension of the writ of *habeas corpus*.

"*First.* By direction of the President of the United States, it is hereby ordered that, until further order, no citizen liable to be

drafted into the militia shall be allowed to go to a foreign country; and all Marshals, Deputy Marshals, and military officers of the United States, are directed, and all police authorities, especially at the ports of the United States on the seaboard and on the frontier, are requested to see that this order is faithfully carried into effect. And they are hereby authorized and directed to arrest and detain any person or persons about to depart from the United States, in violation of this order, and report to L. C. Turner, Judge Advocate, at Washington City, for further instruction respecting the person or persons so arrested or detained.

"*Second.* Any person liable to draft, who shall absent himself from his county or State, before such draft is made, will be arrested by any Provost Marshal or other United States or State officer, wherever he may be found within the jurisdiction of the United States, and conveyed to the nearest military post or depot, and placed on military duty for the term of the draft; and the expenses of his own arrest and conveyance to such post or depot, and also the sum of five dollars as a reward to the officer who shall make such arrest, shall be deducted from his pay.

"*Third.* The writ of *habeas corpus* is hereby suspended in respect to all prisoners so arrested and detained, and in respect to all persons arrested for disloyal practices.

(Signed) EDWIN M. STANTON,
Secretary of War."

It was by virtue of the first of these two orders, and before an attempt had been made to assume the arbitrary power to suspend the writ of *habeas corpus*, that most of those who had been kidnapped during the months of August and September, 1862, were deprived of their liberty.

It will be noticed — and the reader's attention is specially called to the fact — that it was designed to try those who were arrested under the order of the 8th of August, by a Military Commission. Why this was not done is simply because the elections of October admonished the Administration that it could not go much farther in subjecting American freemen to the despotism of arbitrary power, with impunity. The Military Commission was named, and ready to try the victims, and of course to convict them of any crime of which the tyrants chose to accuse them; but after the

result of the elections became known, the Commission was diverted to another purpose.

G.

It was not until the 24th of September, 1862, that the President ventured to assume to himself arbitrary power, and avow the act publicly. This he did by an order of that date, which is as follows:

PROCLAMATION OF SEPTEMBER 24, 1862.

"Whereas: it has become necessary to call into service not only volunteers, but also a portion of the militia of the States, by draft, in order to suppress the insurrection existing in the United States, and disloyal persons are not adequately restrained by the ordinary process of law from hindering this measure, and from giving aid and comfort, in various ways, to the insurrection:

"Now, therefore, be it ordered:

"1. That, during the existing insurrection, and as a necessary measure for suppressing the same, all rebels and insurgents, their aiders and abettors, within the United States, and all persons discouraging volunteer enlistments, resisting militia drafts, or guilty of any disloyal practice, affording aid and comfort to the rebels against the authority of the United States, shall be subject to martial law, and liable to trial and punishment by court-martial or military commission.

"2. That the writ of *habeas corpus* is suspended in respect to all persons arrested, or who are now, or hereafter during the rebellion shall be, imprisoned in any fort, camp, arsenal, military prison, or other place of confinement, by any military authority, or by sentence of any court-martial or military commission.

"In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

"Done at the City of Washington, this twenty-fourth day of September, in the year of our Lord one thou-
[L. S.] sand eight hundred and sixty-two, and of the independence of the United States the eighty-seventh.

ABRAHAM LINCOLN.

"By the President.

WILLIAM H. SEWARD, Secretary of State."

It looks significant that this order is countersigned by Wm. H. Seward, and not Edwin M. Stanton. Following this order for the suspension of the *habeas corpus*, the following extraordinary announcement was made from the War Department:

H.

ORDERS OF THE SECRETARY OF WAR, PROMULGATED SEPTEMBER 26, 1862.

"*First.* There shall be a Provost Marshal General of the War Department, whose headquarters will be at Washington, and who will have the immediate supervision, control, and management of the corps.

"*Second.* There will be appointed, in each State, one or more special Provost Marshals, as necessity may require, who will report and receive instructions and orders from the Provost Marshal General of the War Department.

"*Third.* It will be the duty of the special Provost Marshal to arrest all deserters, whether regulars, volunteers, or militia, and send them to the nearest military commander or military post, where they can be cared for and sent to their respective regiments; to arrest, upon the warrant of the Judge Advocate, all disloyal persons subject to arrest under the orders of the War Department; to inquire into and report treasonable practices, seize stolen or embezzled property of the Government, detect spies of the enemy, and perform such other duties as may be enjoined upon them by the War Department, and report all their proceedings promptly to the Provost Marshal General.

"*Fourth.* To enable special Provost Marshals to discharge their duties efficiently, they are authorized to call upon any available military force within their respective districts, constables, sheriffs, or police officers, so far as may be necessary, under such regulations as may be prescribed by the Provost Marshal General of the War Department, with the approval of the Secretary of War.

"*Fifth.* Necessary expenses incurred in this service will be paid in duplicate bills, certified by the special Provost Marshal, stating time and nature of service, after examination and approval by the Provost Marshal General.

"*Sixth.* The compensation of special Provost Marshals shall be —— dollars per month; and actual travelling expenses and postage will be refunded, on bills certified under oath and approved by the Provost Marshal General.

"*Seventh.* All appointments in this service will be subject to be revoked at the pleasure of the Secretary of War.

"*Eighth.* All orders heretofore issued by the War Department, conferring authority upon other officers to act as Provost Marshals, except those who receive special commissions from the War Department, are hereby revoked.

"By order of the Secretary of War.

L. THOMAS, Adjutant General."

This completed the assumption of arbitrary power: nothing more was needed to exercise it universally throughout the whole country — in that portion of it where the people were pursuing their usual peaceful avocations of life, as well as in that portion of it occupied by hostile armies. These orders, one and all, not only usurped the legislative powers of Congress, but the judicial authority of the Courts; nay, powers of government are assumed in these orders, which the Constitution does not invest in any department of the Federal Government, but, on the contrary, reserves them especially to the people. But of what avail is it that such is the fact? The people acquiesced in these assumptions of power, and many of them approve of and commend them.

1.

DUPLICITY OF THE SECRETARY OF WAR — PUBLIC ORDER FOR THE RELEASE OF PRISONERS OF STATE — PRIVATE ORDER TO DISREGARD THE ONE PUBLICLY PROMULGATED.

The clamors of the people against the imprisonment of political offenders wrung from the Secretary of War an order from his Department, dated the 22d of November, 1862, for the discharge of "*all persons now in military custody*," who

had been arrested on the alleged ground of discouraging enlistments, etc.

The order was as follows:

"WAR DEPARTMENT, Washington, November 22, 1862.

"*Ordered:* 1. That all persons now in military custody, who have been arrested for discouraging volunteer enlistment, opposing the draft, or for otherwise giving aid and comfort to the enemy, in States where the draft has been made, or the quota of volunteers and militia has been furnished, shall be discharged from further military restraint.

"2. That persons who, by authority of the military commander or Governor in rebel States, have been arrested and sent from such State for disloyalty or hostility to the Government of the United States, and are now in military custody, may also be discharged upon giving their parole to do no act of hostility against the Government of the United States, nor render aid to its enemies. But all such persons shall remain subject to military surveillance and liable to arrest on breach of their parole. And if any such persons shall prefer to leave the loyal States on condition of their not returning again during the war, or until special leave for that purpose be obtained from the President, then such person shall, at his option, be released and depart from the United States, or be conveyed beyond the military lines of the United States forces.

"3. This order shall not operate to discharge any person who has been in arms against the Government, or by force and arms has resisted, or attempted to resist the draft, nor relieve any person from liability to trial and punishment by civil tribunals, or by court-martial or military commission, who may be amena ble to such tribunals for offences committed.

"By order of the Secretary of War.

E. D. TOWNSEND,
Assistant Adjutant-General."

While this order was promulgated to satisfy the public, a *secret private order was issued at the same time to the commanders of the Bastiles, not to release any political offenders under the public order.*

The following is a copy of this secret order:

J.

"WASHINGTON, Nov. 24, 11.50 A. M.

"Commanding Officer, Fort ——:

"None of the prisoners confined at your post will be released under orders of the War Department of the 22d inst., without special instructions from the Department.

"By order of Secretary of War.

E. D. TOWNSEND, A. A. G."

Thus is the Secretary of War convicted of duplicity, hypocrisy, treachery, and deceit, as scarcely one, if any prisoner was released under the order of the 22d of November. On the contrary, most of the prisoners in Forts Lafayette and Delaware, if not in other Bastiles, were still kept in confinement until late in December, and some of them for a considerable time afterward.

Notwithstanding these well-attested facts, Mr. Stanton, in a report made by him on the 29th of November, stated that, "by a recent order, all persons arrested for discouraging enlistments and disloyal practices in States where the quotas of volunteers and militia are filled up, have been released. Other persons arrested by military commanders and sent from the departments where their presence was deemed dangerous to the public safety, have been discharged upon parole to be of good behavior and do no act of hostility against the Government of the United States."

This Mr. Stanton knew was a barefaced, wilful, and premeditated falsehood, uttered to mislead and deceive the public.

It is also alleged, and it is no doubt true, judging the circumstances by the other acts of duplicity of Mr. Stanton, Secretary of War, that on the application of the Hon. Reverdy Johnson, an order was issued from the War Department for the release and discharge of Judge Carmichael, of Maryland, and that a private order was sent simultaneously to the Commandant of Fort Delaware, *not to release* Judge Carmichael on the presentation of the order to that effect.

K.

AN ACT RELATING TO HABEAS CORPUS, AND REGULATING JUDICIAL PROCEEDINGS IN CERTAIN CASES. Approved March 3, 1863.

Never was more power over the rights and liberties of the citizen placed in the hands of any one man, than that granted by the above act of Congress, only two *sections* of which we here quote. Citizens who have never seen this act of Congress will be astonished at the despotic and tyrannical rule under which they lived during the Administration of Mr. Lincoln.

They are as follows:

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That, during the present rebellion, the President of the United States, whenever, in his judgment, the public safety may require it, is authorized to suspend the privilege of the writ of habeas corpus in any case throughout the United States, or any part thereof. And whenever and wherever the said privilege shall be suspended, as aforesaid, no military or other officer shall be compelled, in answer to any writ of habeas corpus, to return the body of any person or persons detained by him by authority of the President; but upon the certificate, under oath, of the officer having charge of any one so detained, that such person is detained by him as a prisoner under authority of the President, further proceedings under the writ of habeas corpus shall be suspended by the judge or court having issued the said writ, so long as said suspension by the President shall remain in force, and said rebellion continue.

SEC. 4. *And be it further enacted*, That any order of the President, or under his authority, made at any time during the existence of the present rebellion, shall be a defence in all courts to any action or prosecution, civil or criminal, pending, or to be commenced, for any search, seizure, arrest, or imprisonment, made, done, or committed, or acts omitted to be done, under and by virtue of such order, or under color of any law of Congress, and such defence may be made by special plea, or under the general issue.

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